Volume XXXVIII] *March, 1923* [*Number 1*

#552/37

POLITICAL SCIENCE QUARTERLY

THE EFFECTS OF TAXATION

BY the effects of taxation we may mean two things. In the narrower sense the term denotes the immediate consequence of each of the steps connected with the shifting of taxation: thus shifting is the effect of impact and incidence is the effect of shifting. In the wider sense, however, the effect of taxation denotes any of the subsequent results produced on the relations of individuals or classes. It includes all the possible consequences engendered by a change in the economic equilibrium. Shifting is the process; incidence is the result; changes in the production, distribution, or consumption of wealth are the effects.

In a still wider sense, the effects of taxation even transcend the economic field. Far-reaching, often, are the political effects. Magna Carta was partly the result of the efforts of the nobles to retain for themselves the powers of taxation sought to be arrogated by the monarch. Many a political disturbance, from the time of Jack Cade's rebellion to the French Revolution, is to be ascribed primarily to taxation; the independence of the United States itself was in no small measure due to this same cause. It would, in fact, be possible to write history in terms of taxation, and to claim that the evolution in governmental forms keeps pace with that of taxation. The Romans considered the direct tax as a badge of slavery (*nota captivitatis*): Adam Smith contends, on the other hand, that taxation is a badge not of slavery but of liberty. The eighteenth-century French were intoxicated by this idea. Montesquieu claims that the wider the liberty, the greater is the possibility of taxation. "*On peut lever les tributs plus forts en proportion de*

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la liberté; on est forcé de les modérer en mesure que la servitude augmente." Robespierre even rejected the idea of exemption from taxation as an insult to the freeman.

But while it would be fascinating to trace the political and social effects of taxation, our task is the more modest, but difficult, one of considering the economic effects.

The economic effects of taxation may be discussed from five points of view:

1. They may be influenced by the novelty or the inequality of the tax.
2. They may be proportionate or disproportionate to the tax.
3. They may be intended or unintended.
4. They may be neutral or injurious.
5. They may be direct or indirect.

The novelty of the tax plays an undoubted rôle. A new tax on production or exchange is apt to derange the economic equilibrium. There are obvious advantages in stability. This was recognized by the American manufacturers when, after more than a decade of the so-called free-trade tariff of 1846, they expressed a preference for a continuance of the existing low rates to which business had become adjusted, over the disarrangement and uncertainty that would presumably accompany an agitation for a lower tariff. The obvious reason is that taxpayers can allow for a permanent, even if high, tax in making their calculations for the future. Such considerations led Canard, at the beginning of the nineteenth century, to the famous dictum that "every old tax is good, every new tax is bad."

This is, however, a manifest exaggeration. For even a stable or permanently immutable system is of no advantage if composed of absurd or troublesome elements. A tax that is inherently bad cannot improve through time; on the contrary, the longer it lasts, the worse it becomes. Moreover, taxes may be imposed not on processes or production, but on results. In such cases, the theory of the indefinite repercussion of the tax is invalid. To the extent, however, that a continual tinkering

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with the tax system is to be deprecated, there is a core of truth in Canard's adage.

There is, moreover, another sense, albeit not mentioned by Canard, in which the injurious effects of a tax may be attenuated by time. The economic equilibrium may be restored not only, as Canard thought, by the process of diffusion or the indefinite repercussion of taxation but by what is known as the capitalization or amortization of taxation.

All capital goods possess a capital value which represents a capitalization of their income value. The process through which income is transmitted into capital is expressed in the rate of interest. The equilibrium with which we have to deal here is the equilibrium between capital and income. Given a general rate of interest, any change in income values will tend to engender a change in capital values which will restore the equilibrium between the two on the old level. When the rate of interest itself changes, the equilibrium between income and capital values will be reached on a new level. The level is found in the rate of interest; the equilibrium is one between capital and income. Capital values will accordingly fall when, with an unchanged rate of interest, incomes decrease; or when, with an unchanged income, the rate of interest rises: *vice versa*, capital values will rise when the rate of interest falls or when, with an unchanged rate of interest, income values increase. In so far as such changes in capital values are produced by taxes, we may speak of the capitalization or amortization of taxation.

This effect of a new tax is enhanced by inequality. Any inequality of taxation augments the disturbance of the economic equilibrium between the overtaxed and undertaxed goods and under certain circumstances, sets in motion forces which will establish a new equilibrium.

When a special tax is imposed on a particular class of commodities, it will, under certain conditions, fall entirely on the individual who owned the commodity before the tax was imposed: and the future purchaser, notwithstanding that he pays the tax every year, will be immune, because the tax will be discounted or amortized through a depreciation of the capital value of the commodity by a sum equal to the capitalized value

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of the tax. The present owner of the undertaxed good and the purchaser or future owner of the overtaxed good will, through this tendency toward economic equilibrium, receive an equal net return on the new capital value of the goods in question. For otherwise, there would be a shifting of demand from the overtaxed to the undertaxed goods which would soon reestablish an equilibrium. This process of capitalization or amortization may also be termed the absorption of taxation, because all the future taxes may be said to be absorbed into the lower selling price. We may therefore speak indistinguishably of the capitalization, the amortization, the discounting, or the absorption of the tax.

Capitalization will take place only under certain conditions. First the tax must be imposed on commodities with a capital value, susceptible to diminution. The principle accordingly will not apply to taxes on polls, wages, professional incomes and the like. Secondly, there can be no capitalization if the tax is imposed on a commodity used in further production, where it will increase the price of the product instead of lessening the value of the principal or source of the product. If the tax is shifted forward, it cannot be capitalized. Thirdly, the commodity must be relatively durable in character, and subject to the expectation of repeated taxes. If the tax consists of one payment only, as in the case of the federal "direct" tax during the Civil War, there is no opportunity for capitalization. Or if the commodity is of so ephemeral a character that it will be consumed before the tax hits it a second time, there can again be no capitalization. If, on the other hand, the commodity is so durable that it is liable to repeated taxes and if the taxes are levied at about the same rate from year to year, the anticipated annual payments may be lumped together in such a way as to cause a change in the capital value of the thing taxed. If a commodity yields a perpetual rental or use —as in the case of a plot of land or a corporate bond—a special or an unequal tax on the land or bond will depreciate its value by the present worth of a perpetual annuity. The more durable the commodity, the greater the chance of capitalization.

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Fourthly, the process is accentuated by the inequality of taxation. Wherever there is an excess of burden, the excess tends to be capitalized. The principle applies with the most immediate consequences to taxes which are exclusive, or which exceed other taxes by a definite sum. It is important, however, to define inequality. Capitalization—i. e., the transformation of a flow of wealth into a fund, the conversion of income into capital—operates through the rate of interest. Different capital goods, however, may be capitalized at different interest rates. A 3 per cent bond may be worth par equally with a 6 per cent bond. The 3 per cent may be called the pure interest, while the extra 3 per cent in the latter bond, which represents risk, length of maturity, or a variety of other considerations, may be called, to borrow an insurance term, the loading. Equality of taxation always means an equal burden on the pure return. An income tax of 10 per cent on the two bonds will affect the returns equally, and will cause no change in relative values. But a property tax will act very differently. A property tax of 1 per cent will cause the return from the 6 per cent bond to fall to $5, and from the 3 per cent bond to $2. This will, however, necessarily impair the equality in the interest rate. In the 6 per cent bond the loading and the pure interest are reduced to $5. In order to make the burden equal, the pure interest on the 3 per cent bond ought now to be 2½ per cent. The result will be that if the 6 per cent bond still sells at par, the capital value of the 3 per cent bond will fall to about 80; for only in this way will the $2 represent a return of 2½ per cent on the capital. The seemingly equal property tax is thus really an unequal income tax. Under a system of property taxation, therefore, the principle of capitalization has a much wider scope than under a system of income taxation.

Fifthly, the degree to which the capitalization will take place, or the exact point at which the new equilibrium will be established, depends on the conditions of the market. If the amount of the overtaxed good is relatively small, the whole of the tax will tend to be capitalized. If, on the contrary, the amount of the overtaxed good is relatively large, the new equi-

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librium will be established at a point somewhat remote from the old one, and accordingly less of the tax will be capitalized. Suppose, e. g., that the rate of interest is such that a 5 per cent bond sells at par, and that a tax of 1 per cent is imposed on a particular variety of these bonds, thus reducing the net return from $5 to $4. If the newly taxable bonds are relatively few, thus permitting the general rate of interest to remain at 5 per cent, their market price will fall to 80, since $4 represents 5 per cent on $80. The whole of the tax will be capitalized or absorbed into the selling price. But if the securities subject to the new tax form a substantial proportion of the entire supply, there will be so much more capital unable to secure a 5 per cent return that the rate of interest will be somewhat lowered. If the interest rate on securities of that general character should, as a consequence of the change in the marginal demand, fall to $4\frac{3}{4}$ per cent, the untaxed bonds will appreciate slightly and the newly taxed securities will sell around $84\frac{6}{10}$, because to the new purchaser $4 on an investment of $84.6 is equivalent to a return of $4.75 on an investment of $100. In the one case the new equilibrium is virtually reestablished at the old level and the entire tax will be capitalized; in the other case the new equilibrium differs from the old one, and as a consequence only a part of the tax will be capitalized. In both cases, however, the inequality of the tax will be wiped out, in whole or in part, for the new purchaser.

Finally it must be noted that the process of capitalization is especially true in the case of a flat or proportional tax, and is not applicable to the same extent to a system of graduated taxes. This is a consequence of the preceding argument as to market conditions.

The point can be illustrated by considering the opposite of a new tax, namely, exemption from taxation, where the influence of inequality is similarly pronounced. Let us take the familiar case of the issue of securities which are exempted from a new and steeply-graduated income tax. It is true that if there is only a small issue of the tax-exempt bonds which will be quickly snapped up by the wealthiest investors, the price will rise by a capitalization of almost the highest rate of tax

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paid by the wealthiest investor. But in the more ordinary case of a comparatively large issue of tax-exempt bonds, coupled with a widespread distribution among all classes of investors, small and large, the market price will settle at a point which more nearly corresponds to the rate of tax paid by the smaller or the less opulent investor. In the United States, e. g., when then the income tax in 1923 was graded from 8 per cent to 58 per cent—a normal tax of 8 per cent and a super tax of 50 per cent—and where there were many billions of outstanding tax-exempt bonds—federal, state and local, with a widespread distribution of investment, it is clear that in the purchase of a taxable security allowance was made, in all likelihood, only for the normal tax of 8 per cent; for many of the purchasers of these securities might possibly be subject only to the normal tax. Even the more wealthy investors, to the extent that they were foreigners, would be likely in practice to be taxed only at the normal rate.

The principle may thus be formulated as follows: In the case of a steeply-graduated tax, the wider the market and the more general the distribution of the security or property in question, the greater the probability that the capitalization of the tax will apply only to the normal tax or to a tax rate comparatively low down in the graduated scale.

In all cases, however, the ironing-out of the inequality is true only of the new purchaser. The present owners suffer not only in the greater burden of the unexpected annual payment, but also in the lower capital value of their property, subject to amortization. If it were possible in a new tax to distinguish between present owners and new purchasers and to apply the tax only to the latter, the inequality would be mitigated in that the present owners would lose only the capitalized value of the tax when they sell. But since such a plan is administratively impracticable, a new and unequal tax on durable property will always be stoutly resisted by the present owners. It is no solace to them that in the process of time the inequality will be wiped out so far as others are concerned. From the standpoint, however, of the permanent interests of the community as a whole, the inequality will diminish with the passage

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of time until it entirely disappears in the newly-established equilibrium.

The effects of capitalization may be further analyzed. Where we are dealing with only one country, the real burden of a new and unequal tax on investments rests, as we have seen, on the original owner, who suffers a depreciation of the capital value of his investments. But, while the new purchasers escape, a burden will also fall on the future issuers of the new securities. To the extent that the tax is capitalized, they will have to sell them at a lower market price or at a higher rate of interest than would otherwise be the case. When the issuer is the government which imposes the tax, it will lose in this way what it gains through the proceeds of the tax. The extent to which losses and gains will balance each other depends on the particular circumstances. When the issuers are private corporations the burden is borne by the community as a whole, to the extent that the enterprise has to be financed on a higher interest level than before, the extra cost being ultimately borne in the shape of higher charges for the service or product. If for some reason it seems impossible or undesirable to charge these higher prices, and if as a result, the securities will not be issued, the effect of the tax will then be, as we shall see more fully below, to act as an impediment or bar to an otherwise desirable investment. Thus the tax will be either a barrier or a burden.

The situation is analogous with foreign investments. In the case of a tax existing in state A at the time of a proposed investment by a national of state B, the latter will not make the investment unless his net return, after payment of the tax, will at least equal what he could secure at home. The tax in A is accordingly not a burden on the foreign investor, except in the sense that it prevents him from making an extra gain. Since the existence of usual profits suffices for the customary run of investments, the tax will be neither a burden on, nor a barrier to, ordinary enterprise. For if the tax prevents that individual from making the investment in A, he will continue to make it in B.

The question becomes of importance where a country is in great need of foreign capital. Where the issue of the securi-

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ties as in A depends almost entirely upon the foreign demand, the tax in A will tend to bring about a capitalization of the entire tax. The lower market price or the higher rate of interest constitutes in one sense a burden for A, whether the securities are issued by the government or by private corporations. But if the choice lies between capital attracted at a high rate of interest and no capital at all, A may still derive a benefit from the investment, despite the heavy cost. Where, on the other hand, the foreign demand is relatively insignificant, there will be a proportionately smaller capitalization and a relatively lighter burden resting on A. Whether the imposition of a tax on investments results in a net burden on the community imposing the tax depends, therefore, largely on the importance of the foreign market for its securities.

While the capitalization of taxation is best illustrated by the inequality of taxation, it would be inexact to affirm that it cannot occur without inequality. As we have pointed out above, general changes in capital values may be produced by anything that affects the rate of interest. Thus the rise in interest rates as a result of the Great War engendered a decrease in the capital value of all securities. To the extent that taxation retards accumulation, diminishes savings or depletes the fund of capital, the rate of interest will rise and existing securities will consequently fall in value. The same results would ensue if the taxes are spent less economically than would be the case if the funds were left in private hands. But the effect of taxation in causing such general variations in capital values must be distinguished from the process which is ascribable to the inequality of taxation. The influence of a general tax on the rate of interest through any of the just mentioned causes is gradual and slight; and the corresponding fall in capital values is likely to be slow and insignificant. On the other hand the influence of a special or unequal tax is almost instantaneous and pronounced. In the case of a new general tax the cause of the change in capital values will be almost as much unnoticed as the other more or less occult causes which continually engender alterations in the general price level and especially in investment values. In the case of an inequality of taxation caused

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by a new special tax or a tax exemption, the reason of the change in market values will be immediately and universally recognized. While the difference, in a certain sense, is one only of degree, in practice it is so important as to become virtually a difference in kind. If then we prefer to apply the term capitalization to the wider phenomenon of capitalized changes in income values caused by taxes in general, it will still be advisable to employ a term to express the effects of the capitalized differences in income values caused by inequality of taxation. It is this phenomenon that we term tax-absorption. Inequality, even more than novelty of taxation must be reckoned with.

The second aspect of the effects of taxation is concerned with the question as to whether the sacrifice imposed on the taxpayer is proportionate to the gains of the treasury. One phase of the question is what may be called the discrepancy-between-burden-and-revenue doctrine. If the tax takes out of the pockets of the individual more than it brings into the coffers of the government, it is obviously not a success. To a certain extent, indeed, this is true of all taxes; for every tax costs something to collect. But when the cost of collection is inordinately high, the tax becomes correspondingly undesirable. There is a great difference between a land tax for instance and some of the so-called "nuisance-taxes" in the United States after the Great War, like the tax on soft drinks at the soda fountains. There is a marked disparity between the two or three per cent cost of collection in some of the internal revenue taxes and the former thirty per cent cost of collecting the federal whisky tax in the moonshining districts. Under the old French system only a small part of the taxes collected by the farmers-general ever reached the Treasury. Administrative conditions are often of great importance in relation to this effect of taxation.

An analogous point is the effect produced by a tax in checking production or consumption. Where a tax definitely impedes production the loss to the producer is to be measured not simply by the tax paid but by the tax *not* paid, i. e., by the

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absence of profit on the output which is now destroyed. In the same way when a tax checks consumption, the loss to the consumer is to be measured not simply by the tax which he pays on the commodities consumed, but by the absence of the commodities which he is now prevented from buying, and by the substitutes which may be either unsatisfactory or entirely beyond the reach of his purse. In all such cases, the loss to the taxpayer is greater than the gain to the Treasury. The evils are disproportionate to the benefits. In these cases the tax is to be conceived not as a burden on existing production or consumption, but as a bar or barrier to future production and consumption. A tax as barrier may often be worse than a tax as burden.

Another problem connected with this aspect of the subject is that of the so-called pyramiding of taxation, or what is sometimes termed the excess-of-price-over-tax doctrine. If a tax is imposed on a commodity, it is sometimes claimed that the additional price due to the tax will rise with every transfer from hand to hand, because each middleman will have to make his profit on a price now enhanced by the tax. Hence the conclusion that it is always wiser to assess the tax at as late a stage as possible—that is, on the consumer himself—since the collection of the tax becomes more costly and more burdensome to the community in proportion as the assessment approaches the consumers.

In this general form, however, the doctrine is open to question. It rests upon the old theory of normal or natural profits. According to modern theory, profits are the surplus over marginal cost. The middleman does not add his profits to the price, because in a state of competition price is fixed at any given moment at the cost of the most expensive increment of the supply. There is always, except under conditions of monopoly or rapidly rising prices, a middleman on the margin of production, who handles the product without profits, and the additional price of the whole supply is equal to his cost of doing the business. The mere fact that the product passes through a number of hands cannot in itself raise the price by more than the exact cost of such transference. There can therefore be no geometrical increase in the tax.

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It may be claimed that while profits are not a part of cost, interest is, and that the excess-of-tax-above-price doctrine is therefore still valid. This may be conceded; but the practical effect is so insignificant that the theory is denuded of significance. For interest is charged only on the amount of tax, and for the short period which elapses before each successive transfer. When the tax is only a fraction of the selling price, the interest for the elapsing interval becomes the merest fraction of a fraction, and is practically negligible.

There is, however, one way in which the price of an article may be driven up beyond the amount of the tax. Since a tax on production or commodities must generally be advanced before the producer has received payment, the necessity of raising the funds will often bear more heavily on the smaller competitor. When conditions are favorable, a tax may even be the direct cause of a monopoly. But it is then primarily the monopoly, and only indirectly the tax, which enables the producer to raise the price above its previous level. Thus the Civil War tax on matches created a monopoly, with prices far higher than could be explained directly by the tax; and its abolition caused a fall in price again considerably greater than the amount of the tax. While an ordinary tax on commodities or on production is thus not susceptible of "pyramiding", the case is different with a tax which is levied upon each transfer. For manifestly the tax will now be imposed each time on the value of the article increased by the tax on the antecedent transfer. A general sales tax differs therefore from a tax levied once and for all on commodities, production, profits or consumption: the former is ordinarily pyramided, the others will usually not cause the final consumer to pay a price the increase of which will be very greatly in excess of the amount of the tax.

The above discussion shows that, strictly speaking, a distinction ought to be drawn between pyramiding and what might be called the discrepancy-between-burden-and-revenue. In a sales tax, the price is indeed pyramided, but the revenue is also increased, because the tax, although at a fixed rate, is levied on a constantly rising base. On the other hand, to the extent

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that the original excess-of-tax-above-price doctrine is true, a tax levied at the inception of the process, and not repeated, will obviously not yield any more in proportion as the price of the commodity rises. In both cases there will be pyramiding; but only in the latter case will there be a discrepancy between the burden on the consumer and the proceeds of the tax.

The third point to be considered is the difference between the intended and unintended effects of taxation. Taxes are often imposed in order to bring about definite results. This is especially true of the so-called social aspects of taxation. A sumptuary tax may be designed to restrict expenditure; a progressive land tax may be intended to limit large estates; the purpose of a tax on profits is generally to reach the profiteer. But it frequently happens that the effects of a tax are different from the intentions of the legislator. One of Bastiat's most famous essays is on the contrast between the seen and the unseen in taxation—*ce qu'on voit et ce qu'on ne voit pas.*

An illustration is afforded by the taxation of complementary goods, that is, commodities which have to be joined in production to accomplish a desired result, such as needle and thread, or bow and arrow. Almost every industry on a large scale has its gradation of such complementary goods. A tax on one of the complementary commodities which will raise its price may have the unexpected result of lowering the price of the other, because inasmuch as the demand is so correlated that they must be used conjointly, the lesser demand for the taxed commodity, which is counterbalanced by the tax, will transfer itself to the untaxed commodity the price of which, not having been counterbalanced by the tax, will fall. Other examples of the unintended effects of taxation, of more immediate practical importance may be mentioned. Thus a tax on mortgages is generally favored by the American farmer on the assumption that it will be paid by the lender and will reach intangible wealth; whereas the unexpected result almost always is that it will be paid by the borrower.

When the inheritance tax was greatly increased in New York some years ago, the unlooked-for result was that the great

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banks and trust companies were threatened with an almost complete loss of the balances kept there by foreigners in order to escape the high inheritance taxes at home. Instead of securing a greater revenue from the inheritance tax, the result would have been seriously to injure New York's financial prestige; as a consequence the law was hurriedly repealed. Again, the highly graduated income taxes in the United States during the Great War had such an unexpected effect in reducing gifts to charitable and educational institutions that it was chiefly through the insistence of the beneficiaries that such gifts were made deductible in a certain measure. So the American and German tax on futures in wheat and cotton, by causing increased oscillations in price, produced an effect the contrary of what had been anticipated and led to the repeal of the laws. Finally, the locally assessed property tax in the United States has generally caused undervaluations, because the lower the assessment the smaller is the contribution to the state tax; but the effect of the New York state-assessed income tax was to reverse the process, because the higher the local assessment of property, the greater was the local share in the income tax, which was distributed in proportion to the local assessments.

Sometimes the effects of taxation, which are entirely unexpected by the taxpayer, may be partly intended by the legislator in order to counteract the unintended effects of a previous tax. When Massachusetts imposed a corporation tax varying with the capitalization, a decided movement was inaugurated to reduce as far as possible the amount of capital stock. But when several years later the federal excess-profits tax was imposed, a reverse movement occurred in the attempt to escape the tax by increasing capitalization. Again, the fiscal experiences of the Civil War, as recounted by Mr. David A. Wells, disclose the most amazing and utterly unexpected results that followed the imposition of certain internal revenue taxes. So in Great Britain various businesses successfully cut down their income tax before the Great War by claiming large capital-development expenditures as deductions from profit; but unexpectedly paid the penalty later under the excess-profits duty. For if they selected the profits standard, they suffered because

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of the reduced pre-war profits; and if they selected the per-centage-of-capital standard, they likewise suffered because their development expenditures had figured in the income, and not in the capital, account. Similarly, in the ordinary land tax in Germany, the lower the assessment the smaller was the tax; but as soon as the property became subject to the increment land taxes, the effect was precisely the opposite; the higher the original valuation, the lower the increment tax. The same was true of the undeveloped land duty and the increment-value duty in Great Britain during the decade that the laws were in operation.

A final unintended effect of taxation is evasion. So far as this is illegitimate, it constitutes fraud, as in the ordinary case of smuggling. More or less of this is indeed to be awaited. For the civic conscience is proverbially lax. We all remember the passage from Lamb: "I like a smuggler, he is the only honest thief, who robs nothing but the revenue, an abstraction I never cared about." And where taxes are both excessive and unequal, the temptation to evasion is so universal as almost to lose its fraudulent character. This is best typified in the famous statement of a Southern Tax Commission in the United States that the payment of the general property tax had come to be regarded in the light of a Sunday School donation. But when the belief in the justice of a tax grows, when the burden is not excessive, and when the administration is beyond reproach, fraud is apt to diminish. Thus shortly before the Great War the frauds in the British income tax were very slight, compared to what they had been in earlier decades. The excessive rates during the Great War have altered this situation, as is true also of Germany, where before the war tax frauds were the exception rather than, as now, the rule.

Evasion, however, may also be legitimate. Where the tax is too high or in other respects objectionable, it may unexpectedly lead to such a curtailment, open and aboveboard, of either production or consumption as to diminish, rather than to increase, the revenue. The individual evades the tax by changing his economic habits. As Dean Swift put it: "in the arithmetic of the customs, two and two do not always make

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four". The difference between legitimate and illegitimate evasion is that in the case of fraud the individual loses nothing, while in the former case, even though he pays no tax, he suffers because of the curtailment of consumption or production. In both cases, however, the government loses, because it receives no revenue. The unintended effects of taxation may in this way become serious, in so far as the budgetary estimates prove to be illusory. In the French sales tax of 1920, embarrassment was caused by the great discrepancy between the budgetary and the actual proceeds, the marked falling-off in the yield being due not only to actual frauds in the returns, but also to a perceptible check in the transactions themselves. Whether the greater part of the evasion was legitimate or illegitimate, it is almost impossible to ascertain. But the unintended effects were disconcerting in the extreme. Endless is the list of possible effects of taxation which are not obvious at first blush; great are the risks of well-intentioned but bungling legislation; supremely important is the knowledge of economic and fiscal law.

We proceed in the fourth place to consider in what respects the effects of taxation may be injurious. Here we are confronted by the theory of the beneficent effects of taxation. This might refer to the proposition that taxes are beneficent in the general sense that they represent a good, rather than an evil. What we refer to here, however, is the more special claim that taxes may exert a beneficent effect on individuals or classes in that they stimulate production. Hume, in discussing the maxim "that every new tax creates a new ability in the subject to bear it and that each increase of public burdens increases proportionately the industry of the people", thinks that it "must be owned, when kept within certain bounds, to have some foundation in reason and experience". McCulloch went so far as to contend that the heavy burdens imposed on England during the Napoleonic wars so stimulated invention and industry as to explain, in part at least, the growth of prosperity.

The proposition rests on the idea that inasmuch as the en-

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deavor to overcome the parsimony of nature is the explanation of all human effort, the surmounting of artificial obstacles ought to have the same favorable effect as the overcoming of natural difficulties. Other alleged examples are sometimes mentioned, as the famous case of the Scotch distillery where a high eighteenth-century tax imposed on the process led to such an improvement in methods that the contents of the still were now emptied in three minutes instead of a week; or the French tax on beet sugar which, by being imposed on an assumed normal product, so increased the yield as to diminish the relative burden.

On a closer view, however, it will be seen that the process here described constitutes the phenomenon of what may be called the transformation of taxation, and that transformation is a method of escape from taxation. In other words, in cases like the Scotch distillery and the beet sugar, it is not so much the tax, as the possibility of escaping the tax, which is responsible for the improvements. If the taxes had been so arranged as to hit the profits, rather than the process or the assumed yield, there would have been no possibility of escape and no inducement to improved methods. And in so far as inventions are due to the desire to increase profits, they would be made despite the tax. A tax on production which is proportional to profits cannot stimulate production because it diminishes profits. It is only when the tax is so levied as to make escape possible, that transformation through stimulation can possibly occur. Finally, the argument from the obstacles of nature is defective. For not only do extreme natural difficulties, as in barren or frigid zones, retard rather than stimulate energy; but the analogy between natural and artificial difficulties is unsound. For while natural difficulties are to a certain extent insurmountable, artificial difficulties can be removed by destroying the artifice; so that the psychological effects are not comparable. The prosperity of Great Britain during the Napoleonic War was the fictitious prosperity of high prices, soon followed by a revulsion; and in so far as there was any permanent increase of production, it was due to the incipient industrial revolution rather than to taxation. The beneficent effects of taxation on production are illusory.

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Equally extreme, however, is the contrary doctrine associated with the name of Henry George, that all taxes, save those on land, are necessarily destructive, because they fall on labor and industry. Moderate taxes, which only slightly increase the cost, may be passed on to the consumer without materially affecting production; moderate taxes on profits, while they may indeed slightly reduce the rate of profits, will not necessarily do so to the extent of checking enterprise.

The situation is, however, different with excessive or unequal taxes, the injurious consequences of which on production are notorious. Perhaps the best illustration of the dangers of taxation is afforded by the excess-profits taxes levied during the Great War. The American tax had at least three unfortunate effects. It was repressive, in that it rendered unavailable large sums which would otherwise have gone into strengthening and expanding the business, thus leaving too little as an inducement to further production. It led to extravagant and wasteful expenditure, in the shape of exaggerated advertising, lavish repairs, and over-generous salaries. It engendered more or less unsound changes in business practice, by putting a premium on over-capitalization. The British tax led not only to the direct reduction of output, as when the owners of rubber plantations postponed the tapping of their trees, but it produced an unhealthy traffic in near-bankrupt concerns which had been prosperous before the war; because when several concerns combined, the pre-war records of both together formed the standard which served as the basis of the tax.

The repressive effects of excessive taxation on exchange are still more familiar. Notorious in this respect was the Spanish sales-tax or *alcavala*, to which some authors even ascribe the economic decay of Spain at the close of the Middle Ages. More familiar are the high French taxes on the transfer of land, the effect of which is to reduce sales to a minimum, so that the real-estate interests which figure so largely in the pages of the great American dailies are almost entirely absent in Paris. Analogous effects are produced by high taxes on transportation which, like the Continental war taxes on passenger fares, have considerably curtailed traveling.

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In the case of distribution, the effects of taxation are frequently intentional. The older theory of equitable taxation was the so-called leave-them-as-you-find-them doctrine, based on the principle that the ideal system was to leave everyone after the tax in the same relative situation as before. Modern opinion has departed widely from this point of view, as can be seen in considering the newer social theory of taxation. Inheritance taxes, progressive income taxes, graduated land taxes will occur as familiar examples of the intended effects of distribution. More recent illustrations are afforded by the capital levies on the European continent as well as by excess profits taxes during the war.

The effects of taxation on consumption are so obvious and so immediate that in a great crisis, where a reduction of private consumption becomes a necessity, almost the first step is to impose taxes on consumption, frequently followed, as in the Great War, by stringent rationing or absolute prohibition. In times of peace also, consumption is sometimes designedly checked by taxation. The fact that gondolas in Venice are black is due to the sumptuary tax imposed in the Middle Ages and intended to check the lavish outlay connected with their exuberant furnishing and riotous color. The American tax on opium is frankly intended to destroy the consumption of opium. Equally important are the unintentional affects of taxation on consumption. The existence in some of the British cities of large tenement houses with almost no openings is ascribable to the former tax on windows. We need scarcely allude to the familiar story of the French peasants who preferred to pour their wine into the river rather than pay the excessive taxes on consumption. So patent is the repressive effect of taxation on consumption that the demand for "the free breakfast table" has played a significant rôle in the fiscal history of England and other democracies.

Somewhat more involved are the effects of taxation on saving. Since all wealth must be either spent or saved, the effect of taxes on savings might be considered the opposite of the effect of taxes on spending or consumption. It is undoubtedly true that the high war taxes on consumption may produce such

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an enforced economy as to liberate for war purposes the surplus from increased savings. It is sometimes difficult, however, to say how much of the economy in war times is compulsory and how much is voluntary. In the United States during the Great War a large part of the economy was due to patriotic reasons. But at all events, it would be hazardous to lay down any general rule as to the normal effects of taxation on saving, because of the disparate elements in the process of saving. Some people save for one reason, some for another. When the saving is for the purpose of life insurance, a tax on income or on expenditure which does not exempt such sums will have a distinctly unfortunate effect. Of a similar nature would be the savings for a rainy day, or for the future education of children. But where the saving is for the purpose of mere accumulation, everything depends on the relative burden of taxation. This is contingent, however, not only on the rate of the tax, but on the amount of the income. There is a great difference in the facts of saving. At one end of the economic scale are those whose incomes are so scanty that almost no saving is possible; at the other end are those with such enormous incomes that they cannot well help saving. In the one case, saving is extremely difficult; in the other, largely automatic. Even a low tax on income, on property, or on outlay, will completely destroy saving in the first class, while it will have practically no effect on the other. It is only when the tax on the latter class becomes so great as to impair the margin between income and outgo and thus to prevent savings out of superfluity, that it will affect the capacity to save.

Where, as in modern times, the capital fund of society is replenished chiefly by the surplus earnings of corporations and large business enterprises, the rate of tax must be still higher before savings will be substantially affected. For while even a moderate tax will undoubtedly reduce corporate earnings, and thus diminish the sums put back into the business, if we assume that the proceeds of the tax are also spent for productive purposes, the result will be a change in the form of capital rather than a retardation in the rate of accumulation. It is only when the tax is so high as to check enterprise and effect-

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ively to retard production that the surplus will decrease and the growth of the national dividend be impeded. In a more general way, the distinction may be declared to be that between productive and unproductive expenditure. If taxation does not diminish the rate of production, it makes comparatively little difference to the wealth of the community as a whole whether savings are taxed or not. For even if the tax includes the income which is saved, the income of one individual is the expenditure of another, and it is only when the income is spent unproductively that the community suffers. In final analysis, therefore, the effect of taxation upon saving and the accumulation of capital is, like that of any economic phenomenon, to be judged by possible changes in the creation, and unproductive consumption, of wealth.

Attempts have sometimes been made to distinguish between the effects of various kinds of taxes on savings. Mr. Carnegie thought that death duties have no effect on savings, partly because the motive to saving is largely the hope of dying rich and partly because the delay in the time when the postponed tax falls due will be discounted by the taxpayer. So Professors Cannan and Pigou hold that death duties discourage accumulation somewhat less than annual income taxes. But, as Sir Josiah Stamp points out, these effects are more than counterbalanced by the consideration that most people will be more apt to curtail expenditure to meet an annual tax than would be the case in death duties. Much the same is true of the capital levy as compared with an income tax.

We come finally to the fifth problem—that of the indirect effects of taxation. Here we are confronted by many familiar examples of the effects on other classes than the immediate taxpayers. When a substantial and actually enforceable tax on mortgages was recently imposed in the State of New York, the result was a threatened cessation of building operations in New York City, because intending constructors, who were in the habit of borrowing from eighty to ninety per cent of their outlay, found that the rate of interest on their loans had increased by more than the tax. Had the tax not been

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hurriedly repealed, the result would have been a famine in houses. The effects of a real-estate tax which is shifted to the house occupant may be traced further. If the tenant is the occupant of a shop or business office the tax will, under certain conditions, be shifted to the purchasers of the commodities produced or of the services rendered; and to the extent that the purchasers are themselves producers, the tax will engender further repercussions all along the line. If the occupant is a workman, a tax on house rent is equivalent to a tax on wages. If wages are proportioned to the standard of living and if the laborers' powers of resistance are substantial, the effect of the tax will be an increase in the wage scale which may mean either a diminution of profits to the employer or an increase of cost to the consumer.

The indirect consequence of a tax may be far greater than the direct effects. An excessive tax on business enterprises may not only cut down business profits but lead to such a reduction of employment and wages that it will be borne by classes of the community far removed from the direct taxpayers. A tax on stock-exchange securities by hindering the free speculative movement may cause a widening of the upper and lower limits of stock quotations, so that when the new securities are initially listed they will fetch a smaller price. This will obviously cause the bankers who underwrite and float the securities to make a bargain more unfavorable to the corporation or enterprise in question. When we are dealing with private issues of securities, the effect will be a diminution in the profits of shareholders; to the extent that the issue consists of government bonds, the effect will be an increase in public expenditure with all its attendant consequences. The ulterior effect of even a simple tax may be profound.

The indirect effects of taxation may also be considered from the broader point of view of the possible elision of taxation. We have discussed above the two-fold process of absorption and of diffusion of taxation. We have seen that in certain cases taxes tend to be capitalized so that they will primarily injure the initial owners. The new purchasers buy the property virtually free from all burdens because the tax has been dis-

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counted in the purchase price and, so to speak, absorbed into the capital value. On the other hand, certain taxes may be shifted forward and reshifted onward until the final effects are diffused through the community. This joint process of diffusion and absorption of taxation results in what may be termed the elision or final disappearance of taxation. The tax is elided or disappears as a burden upon the individual taxpayer.

It would be a fateful error, however, to conclude that because certain taxes tend to disappear, their effects may be disregarded. For in the first place certain taxes, like those on inheritances, gifts, polls, windfalls and aleatory gains, or in a more general way taxes on economic surplus, are neither diffused nor capitalized, so that the immediate effects are pronounced. Furthermore, although there may be an elision of taxation, both absorption and diffusion may produce very decided effects on those who are caught in the meshes. Finally, even though taxes ultimately fall on economic surplus, they may engender all kinds of remote effects on the relations of individuals or classes, in so far as their capacity of production or consumption may be altered. The ultimate effects of taxation are just as varied, as involved, and as inscrutable as those of any other alteration in the relative values of commodities, or in the relative position of the individuals or classes that produce or consume these commodities.

If normal economic life may be conceived as an equilibrium, taxation like every other economic phenomenon tends to disarrange that equilibrium, with all manner of more or less intricate effects on individuals, classes, and the wealth of the entire community until a new equilibrium is established.

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THE SECRET ANGLO-GERMAN CONVENTION OF 1914 REGARDING ASIATIC TURKEY

THE proceedings of the Lausanne Conference and recent events in the Near East have opened to many eyes the complicated character of the problem of Asiatic Turkey. Strategic maneuvers, economic rivalries, religious fanaticism, nationalist fervor, racial prejudices, predatory imperialism—these are but the most important of numerous phenomena which render the Ottoman problem seemingly insoluble. But these are not new phenomena. They determined, in large measure, the character of the Treaty of Sèvres, which technically terminated but did not end the war with Turkey. They were controlling forces in important treaties negotiated by the Allies during the War—treaties in which the Ottoman Empire was considered as spoils to be distributed among the victors. They heightened the rivalry between the Entente and the Central Powers during the decade before the War.

Although plentiful publicity has been given to war-time and post-war diplomacy regarding the Near East, only the most meagre details of pre-war international negotiations concerning the Ottoman Empire have so far been made available. Yet he who seeks to discover the underlying causes of the catastrophe of 1914 cannot overlook Turkey, perhaps the most important of the world's arenas of imperial friction. How the European Powers, on the eve of the Great War, sought to divide the Ottoman Empire into spheres of interest is a story of the utmost importance.

The Anglo-German Convention of 1914—the text of which is published, for the first time, as an appendix to this article—was the last of a series of international agreements, negotiated between 1910 and 1914, to reconcile the conflicting interests of Germany and the Entente Powers in Asiatic Turkey. It was preceded by the Potsdam Agreement of November 4, 1910, between the Kaiser and the Tsar, by which Russian dip-

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lomatic objections to the Bagdad Railway were withdrawn in return for German recognition of Russia's special position in Persia. It was antedated, also, by a secret Franco-German convention of February 15, 1914, in accordance with which French capitalists were granted exclusive control over the railways of Syria and northern Anatolia, and the Deutsche Bank was assured that France would place no further obstacles, diplomatic or financial, in the way of German railway construction in Cilicia and Mesopotamia. It followed the culmination of extended negotiations between Turkey and Great Britain concerning, among other matters, the legal position in Turkey of British religious and educational institutions; pecuniary claims of Great Britain against the Ottoman Treasury; the Sultan's veto on the borrowing powers of Egypt; the Turco-Persian boundary; British navigation rights on the Tigris and Euphrates; the status of Koweit.[1]

Before the British Government gave its consent to the Convention of June 15, 1914, it had taken pains to see that German capitalists shared certain of the choicest portions of Turkey with worthy Britons. For example, an agreement of February 23, 1914, between the Bagdad Railway Company and Lord Inchcape, assured the latter a monopoly in the transportation on the Tigris, from Basra to Bagdad, of all materials arriving at Basra and destined for use on the Bagdad Railway, its branches, or the Railway's port and terminal works at Bagdad —a contract worth about five hundred thousand dollars. This was supplemented by a further agreement, dated March 27, 1914, between the Bagdad Railway Company, Lord Inchcape and the Lynch Brothers,[2] which promised Lord Inchcape and Mr. John F. Lynch a forty per cent participation in a German company engaged in constructing port works at Bagdad. German bankers were to be offered twenty per cent of the shares of the proposed Inchcape-Lynch company for the navigation

[1] For a detailed analysis of these negotiations *cf.* E. M. Earle, *Turkey, the Great Powers, and the Bagdad Railway*, to be published shortly by The Macmillan Company.

[2] Proprietors of the Euphrates and Tigris Steam Navigation Company.

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of the Tigris. By these two agreements British capitalists were assured a predominant position in Mesopotamian river navigation from Mosul to Basra.

On March 26, 1914, measures were taken to protect the interests of the British-owned Smyrna-Aidin Railway Company. A draft agreement[1] of that date provided for important extensions of over 200 miles to the Smyrna-Aidin line (including a junction with the Anatolian-Bagdad system at Afiun Karahissar), granted to British interests valuable navigation rights on the lakes of Asia Minor, and protected each railway against discriminatory treatment at the hands of the other. The substance of this agreement is no more important than the form in which it is drawn. It was signed, of course, by representatives of the railway companies interested—by Dr. Carl Bergmann, for the Bagdad Railway Company, and by Lord Rathmore, for the Smyrna-Aidin Company. But, in addition, it was approved and signed by Baron von Kühlmann, on behalf of the German Government; Mr. A. Parker, of the British Foreign Office; and Hakki Pasha, minister extraordinary and plenipotentiary of the Sultan to the Court of St. James. Here were a financial pact and an international agreement combined in one document![2]

Simultaneously negotiations were being carried on between the Deutsche Bank and the Cassel interests in Great Britain to arrive at an understanding regarding control of the Mesopotamian oilfields. During March, 1914, the British and German bankers, under the watchful guidance of Sir Eyre Crowe, of the British Foreign Office, and Baron von Kühlmann, of the German embassy in London, arranged for the formation of the Turkish Petroleum Company and for the acquisition by that company of the oil resources of the vilayets of Mosul and Bagdad. The stock of the company was apportioned seventy-five per cent to a British syndicate (including Sir Ernest Cassel's

[1] The draft agreement, as amended two days later, is appended hereto.

[2] For details of these negotiations of February and March, 1914, including substantiating documents, I am indebted to Dr. Arthur von Gwinner, formerly Managing Director of the Deutsche Bank and President of the Anatolian and Bagdad Railway Companies.

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National Bank of Turkey, the Royal Dutch Company and the D'Arcy group) and twenty-five per cent to German interests represented by the Deutsche Bank. Thereupon the German and British ambassadors at the Sublime Porte were instructed to make joint representations to the Ottoman Government on behalf of the Turkish Petroleum Company.[1]

It was under these circumstances that the Anglo-German Convention regarding the Bagdad Railway was initialed in London, June 15, 1914. It was not definitely signed because, as Sir Edward Grey informed the House of Commons, it was necessary for Germany to complete her own separate negotiations with Turkey.[2] There is no evidence available that anything other than the outbreak of the War prevented the ratification of the convention, which would have meant so much for the establishment of peace in the Near East.

The first public announcement of the Bagdad Railway Convention was a Reuter dispatch from Berlin to *The Times* of June 16, 1914. This was confirmed officially by Sir Edward Grey, in a statement to the House of Commons, June 29, 1914, in which he outlined a few of the important provisions of the agreement reached.[3] Shortly thereafter the War broke out, and the Bagdad negotiations became as much enveloped in mystery as other pre-war diplomacy. However, in the autumn of 1916 Mr. S. S. McClure, an American journalist traveling in Germany, secured from Dr. Ernst Jäckh and Dr. Zimmermann of the Foreign Office at Berlin a statement of the principal provisions of the so-called "Anglo-German Treaty of 1914"; this statement—still incomplete, but more informative than any which had gone before—Mr. McClure published in

[1] On June 28, 1914, the Ottoman Government formally conferred on the Turkish Petroleum Company exclusive rights of exploitation of the oilfields of Mosul and Bagdad. The history of these negotiations has been told in the correspondence between the Government of the United States and His Britannic Majesty's Government regarding the disposition of the oil resources of the former Ottoman Empire. *Cf. Parliamentary Papers*, Cd. 675 (1921). *Cf.*, also, an article by Mr. H. Wilson Harris, in *The Daily News* (London), June 26, 1920.

[2] *Parliamentary Debates*, House of Commons, volume 64 (1914), pp. 116–117.

[3] *Ibid.*, pp. 117–120.

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his book, *Obstacles to Peace* (New York, 1917). In the spring of 1918 more light was thrown on the subject by Prince Lichnowsky's famous memorandum, *My London Mission, 1912–1914*,[1] in which the former German ambassador at London made it clear that the diplomatic purpose of the agreement, as of the Franco-German agreement of February, 1914, was the division of Asiatic Turkey into spheres of interest "although this expression was anxiously avoided, out of regard for the rights of the Sultan."

The termination of the War in a crushing defeat for both Germany and Turkey, and the subsequent dismemberment of the Ottoman Empire by the terms of the Treaty of Sèvres, distracted popular attention, for a time, from the arrangements of the few months immediately preceding the outbreak of hostilities in 1914. However, the Anglo-American controversy regarding Mesopotamian petroleum concessions, the San Remo Oil Agreement of April 24, 1920, between France and Great Britain, and the startling success of the Turkish Nationalists under Mustapha Kemal Pasha revived interest in the earlier Anglo-German negotiations. Mr. R. W. Outhwaite, in *The Daily Herald* (London), October 2, 1922, for example, printed the supposed text of the "Colonial Agreement" of 1914 between Germany and Great Britain; it proved, however, to be only the summary published almost five years before by Mr. McClure.

The text of the Convention as hereto appended is made available through the courtesy of Dr. von Gwinner, of the Deutsche Bank. The Convention and the Explanatory Note accompanying it, as well as the notes from Prince Lichnowsky to Sir Edward Grey, are translations from the German. The balance of the document is in the original English.

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[1] Translated and edited by Munroe Smith in *The Disclosures from Germany* (New York, 1918).

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ANGLO-GERMAN CONVENTION REGARDING THE BAGDAD RAILWAY

His Majesty, the German Emperor, King of Prussia, and His Majesty, the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, inspired by the sincere desire to regulate in agreement certain questions, herein enumerated, which affect the mutual interests of their respective countries, have resolved to enter into a convention in order to avoid every cause of misunderstanding about these questions between Germany and Great Britain, and have for this purpose appointed as their plenipotentiaries:

His Majesty, the German Emperor, King of Prussia: His Excellency Prince Lichnowsky, His Majesty's Privy Counsellor, Ambassador Extraordinary and Plenipotentiary in London;

His Majesty, the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Honorable Sir Edward Grey, Baronet of the United Kingdom, Knight of the High Order of the Garter, Member of Parliament, His Majesty's Chief Secretary for Foreign Affairs;

who, after exchanging their credentials and finding them in good and proper form, have agreed upon the following articles:

Article 1

(a) In recognition of the general importance which the construction of the Bagdad Railway possesses for international trade, His Britannic Majesty's Government binds itselt not to adopt or to support any measures which might render more difficult the construction or management of the Bagdad Railway by the Bagdad Railway Company or to prevent the participation of capital in this enterprise.

(b) The Imperial German Government declares that it will use its best endeavors to have elected to the Board of Directors of the Bagdad Railway Company, as representatives of the British shareholders, two English members acceptable to His Britannic Majesty's Government.

Article 2

(a) Whereas the Bagdad Railway Company has entered into an agreement with the Imperial Ottoman Government on the following basis, the Imperial German and His Britannic Majesty's Governments declare, in so far as they are concerned, [their intention] to uphold this agreement and to use their best efforts that the terms thereof may be regularly complied with:

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(I) The terminus of the lines of the Bagdad Railway is to be Basra. The Bagdad Railway Company has renounced the construction of the branch line from Basra (Zobeir) to the Persian Gulf, provided for in Article I of the Bagdad Railway Convention of March 5, 1903, and the construction of a port or a terminal on the Persian Gulf in accordance with Article 23 of the aforesaid Convention.

(II) On the lines of the Bagdad Railway Company, as hitherto, no direct or indirect discrimination in transit facilities or freight rates shall be made in the transportation of goods of the same kind between the same places, either on account of ownership or on account of origin or destination of the goods or because of any other consideration.[1]

(III) The Bagdad Railway Company agrees that any changes in the conditions of transportation or in freight rates, as set forth in Article 21 of the Specifications [of 1903] always shall be announced two months in advance. The announcement shall be published in the Official Journal of the Imperial Ottoman Government and in the Official Bulletin of the Ottoman Chamber of Commerce in Constantinople.

(IV) Should a branch line be constructed from Basra to the Persian Gulf, appropriate agreements shall be made to facilitate through traffic from and to the railhead of the Bagdad Railway, and full guarantees shall be provided against direct and indirect discriminatory treatment.

(V) The proposed port works in Basra and Bagdad, which were authorized by Article 23 of the Bagdad Railway Convention of March 5, 1903, are to be constructed and administered by a special Ottoman company.

The Port Company shall not collect tolls or duties of any kind or any description from ships or goods, except such as are imposed equally under the same circumstances and in similar cases on all ships and goods, regardless of the nationality of the ships or their owners, or of the owners of the goods, their country of origin or destination, and regardless of the place from which the ships or goods come or whither they are bound.

[1] Article 24 of the Specifications attached to the Convention of March 5, 1903, provided that "all rates, whether they be general, special, proportional, or differential, shall be applicable to all passengers and shippers without distinction". Article 25 formally prohibited the Company to enter into any special agreement the purpose of which was to grant reductions in the rates announced in the published tariffs.

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In all matters connected with docking, loading or unloading of ships in the ports, no ship shall enjoy privileges or facilities which are not enjoyed equally by all ships under the same circumstances.

In all matters connected with the collection of tolls or duties of any kind and the granting of special facilities in the ports of Basra and Bagdad, goods arriving by water or to be dispatched by water shall be treated in exactly the same manner as goods arriving by rail or to be dispatched by rail.

The Imperial Ottoman Government reserves the privilege of conferring the right of supervision over the Port of Basra on the Commission which it intends to entrust with the improvement and maintenance of the navigability of the Shatt-el-Arab.

The rights conferred upon the Port Company shall in no way hinder or interfere with the said Commission in the fulfilment of the tasks conferred upon it by the Anglo-Turkish agreement of July 29, 1913.[1]

(b) The Imperial German Government declares that it will raise no objections to British interests acquiring 40 per cent of the capital of the separate Ottoman Company for the construction and operation of the ports of Basra and Bagdad as mentioned above under (V); or to their being represented on the Board of Directors (*Conseil d'Administration*) of the Port Company in proportion to their participation; or to their sharing in contracts for the construction or maintenance of the port.

Article 3

(a) The Imperial German and His Britannic Majesty's Governments declare that under no circumstances will they support the construction of a branch from Basra (Zobeir) or any other point on the main line of the Bagdad Railway to the Persian Gulf, unless a complete understanding be previously arrived at between the Imperial Ottoman, the Imperial German, and His Britannic Majesty's Governments.

(b) The Imperial German Government declares that it will under no circumstances undertake the construction of a harbor or a railway station on the Persian Gulf or support efforts of any persons or companies directed towards this end, unless a complete agreement be

[1] A summary of the provisions of this agreement was published in *Mesopotamia*, No. 63 of a series of handbooks published by the Foreign Office (London, 1920). The text has never been published.

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previously arrived at between the Imperial German and His Britannic Majesty's Governments.

(c) His Britannic Majesty's Government declares that under no circumstances will it undertake railway construction on Ottoman territory in direct competition with lines of the Bagdad Railway Company or in contravention of existing rights of this company or support the efforts of any persons or companies directed to this end, unless previously a complete agreement be arrived at between the Imperial German and His Britannic Majesty's Governments. For the provisions of this article the western terminus of the Bagdad Railway lines is considered to be Konia, the eastern terminus, Basra.

Article 4

(a) The Imperial German Government has taken official note of the declaration promulgated by the Imperial Ottoman Government on July 29, 1913, concerning the navigation of the Tigris and Euphrates and declares that it will neither raise objections to the execution of this declaration nor support any action directed against its execution as long as the navigation of these rivers is maintained in accordance with the principal provisions of the declaration.

(b) His Britannic Majesty's Government declares that it will raise no objections if the shareholders of the Bagdad Railway acquire 40 per cent of that part of the capital of the Ottoman River Navigation Company which is to be assigned to Ottoman interests at the first issue (*i. e.*, 20 per cent of the total capital) and therewith obtain the right upon further capital expansions to subscribe to a corresponding amount and if they acquire a corresponding representation in the Board of Directors of this Company (through members who are acceptable to the Imperial German Government) out of the seats assigned to Ottoman interests in the Board (*i. e.*, 20 per cent of the entire Board).

(c) It is understood, however, that no provision in this article is to be considered as affecting the rights established by Article 9 of the Bagdad Railway Convention of March 5, 1905;[1] the Imperial German and His Britannic Majesty's Governments merely agree that these rights shall expire with the completion of the construction of the Bagdad

[1] Article 9 of the Convention conferred on the concessionaires the right to operate steamships or other vessels on the rivers of Mesopotamia for the purpose of transporting materials necessary for the construction of the Bagdad Railway and its branches. This right, however, was limited strictly to the period of actual construction and was to be exercised under the supervision of the Minister of Marine.

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Railway to Basra in accordance with the terms of Article 2 of the present convention.

Article 5

Whereas the concessionaire who has been appointed according to Article 3 of the above-mentioned Declaration of July 29, 1913,[1] has concluded an agreement with the Imperial Ottoman Government on the following basis, the Imperial German and His Britannic Majesty's Governments declare that they accede to this agreement in so far as it concerns them and that they will see to its proper execution to the best of their ability:

> The Ottoman River Navigation Company shall not permit any direct or indirect discriminatory treatment in transit facilities or freight rates in the transportation of goods of the same kind between the same places, either on account of ownership or on account of origin or destination of the goods to be shipped or because of any other consideration. The Company shall grant no special through rates or preferential tariffs or other privileges of any kind to goods shipped by sea from one place at which the ships of the Company touch to another place, unless such privileges apply, irrespective of country of origin, to all goods of the same kind which are to be transported under the same conditions, in the same direction, between the same places, by ships plying regularly between these places.

Article 6

The Imperial German and His Britannic Majesty's Governments will together use their good offices with the Imperial Ottoman Government to the end that the Shatt-el-Arab shall be brought into a satisfactory navigable condition and permanently maintained in such condition so that ocean-going ships may always be assured of free and easy access to the port of Basra, and further, that the shipping on the Shatt-el-Arab shall always be open to ocean-going ships, under the same conditions to ships of all nations, regardless of the nationality of the ships or their cargo.

Tolls may not be imposed for navigation itself, but merely to cover the costs of administration of the Commission mentioned in Article 7 and such expenditures as have been actually made for the improvement of navigation and port conditions on the Shatt-el-Arab. Unless contrary agreements are made by the two governments, duties may under

[1] Lord Inchcape.

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no circumstances surpass the amount of one franc per registered ton (a single payment covering the entry and the departure of the same vessel); all duties are to be collected on the basis of complete equality, irrespective of nationality of the ocean ships or their cargo.

Article 7

(a) Whereas the Imperial German Government has taken official notice of the Anglo-Turkish Agreement of July 29, 1913, which guarantees to all ships of all nations free navigation on the Shatt-el-Arab, under conditions of complete equality, and establishes a Commission for the execution of all necessary works for the improvement of the navigable water, its conservation and other similar purposes enumerated in the Agreement; and whereas the Imperial German Government is of the opinion that the provisions of the Agreement are entirely serviceable to the interests of international trade, it will keep the agreement as long as the nature of its provisions is not changed and as long as the duties therein imposed upon the Commission are satisfactorily fulfilled.

The Imperial German Government herewith takes official note of the Declaration signed on October 21, 1913, and attached to the aforesaid Agreement according to which Articles 7 and 8 of the Agreement in no way affect the rights which the members of the contracting powers enjoy in the Ottoman Empire.

(b) His Britannic Majesty's Government, as far as it is concerned, agrees:

I. That the German Consul in Basra shall be entitled to communicate directly with the Commission in matters within its competence;

II. That in cases in which the Commission does not do justice to the reasonable demands of traffic on the river and does not provide any remedy on the complaint of the German Consul, the question under dispute shall be submitted to an impartial expert who is to be nominated by both members of the commission in agreement with the German Consul. If an identical or similar complaint is made by another consul, he, also, may cooperate in the nomination. If no unanimous choice is arrived at, Her Majesty the Queen of the Netherlands shall be invited to appoint the expert arbitrator.

His Britannic Majesty's Government will use its good offices with the Imperial Ottoman Government so that the proposals of the expert arbitrator shall be carried out.

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Article 8

The Imperial German and His Britannic Majesty's Governments take official note of the Draft of Agreement between the Smyrna-Aidin Railway Company, on the one hand, and the Anatolian and Bagdad Railway Companies, on the other hand, drafted on March 28, 1914, and attached to the present Agreement as an Annex and bind themselves, so far as they are concerned, to uphold the definite agreement when concluded.

Article 9

Any differences in opinion resulting from this Convention or the Explanatory Note attached thereto are subject to arbitration. If the two governments cannot agree on an arbitrator or a special court of arbitration, the case shall be submitted to the Permanent Court of Arbitration at the Hague.

Article 10

The present Convention and the attached Note shall be ratified and the deeds of ratification shall be exchanged within three months after the date of signature.

In witness whereof the plenipotentiaries on both sides have signed the present Convention and attached their seals.

Made in duplicate in London on the———

Initialled in London, on the 15 day of June, 1914.

L.[ICHNOWSKY]
E.[DWARD] G.[REY]

EXPLANATORY NOTE

Paragraph I

In regard to Article 1, Clause (a) of the Convention it is agreed that:

What is to be understood as the Bagdad Railway System is defined by its conventions with the Imperial Ottoman Government,

of March 5, 1903,
of March 21, 1911, and
of June, 1914.

True copies of all of these conventions have been supplied by the Imperial German Government to His Britannic Majesty's Government.

Moreover, it is agreed with regard to the clause mentioned, that it is not intended to impose any sacrifices of a financial or an economic nature on Great Britain, and further that His Britannic Majesty's Government has not consented to the collection of an import duty exceed-

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ing 15 per cent *ad valorem* in the Ottoman Empire or to any other kind of taxation not in force at present.

His Britannic Majesty's Government will, however, raise no objections to the assignment to the Bagdad Railway Company of already existing Turkish State revenues, or of revenues from the intended increase in tariff duties to 15 per cent *ad valorem*, or of the proposed monopolies or taxes on the consumption of alcohol, petroleum, matches, tinder, cigarette-paper, playing cards, and sugar to the extent necessary for the completion of the Railway.

This agreement shall in no way affect the rights of His Britannic Majesty's Government derived from the Anglo-Turkish Convention of June, 1914, concerning pecuniary claims.

Paragraph II

In regard to Article I, Clause (b) the German group exercising a controlling influence in the Bagdad Railway Company has given the Imperial German Government its written promise always to use its best efforts to the end that two members agreeable to His Britannic Majesty's Government will sit permanently on the Board of Directors of the Railway Company and to vote accordingly in the elections; the Imperial German Government binds itself to His Britannic Majesty's Government to exercise its influence with the group in question in order that the promise mentioned shall always be kept.

Paragraph III

In regard to Article 3, Clause (c) of the Convention the following is agreed upon:

1. Railway lines in that part of Asiatic-Turkey which lies West of 36° longitude (East) and South of 34° latitude, and in that part which is East of the said longitude and South of 31° latitude, are not considered as being in immediate competition with each other; but each railway line north of these boundaries is considered as in immediate competition if it establishes direct communication between the Mediterranean and the Persian Gulf.

There shall exist a neutral (protective) zone, extending 60 kilometers on each side of the lines of the Bagdad Railway. Each railway line within this zone is considered as being in immediate competition; however, between Museyib and Kurna, the protective zone shall be bordered on the East by a line that runs equidistant between the Tigris and the Euphrates and extends from the latitude of Museyib to Kurna.

3. Local railway branches which serve as feeders for navigation and

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are not longer than 100 kilometers are not considered as direct competitors, provided that they remain outside of the protective zone.

4. In the case of any other railway, the question whether or not there is direct competition shall, if no agreement is arrived at, be submitted to arbitration.

Paragraph IV

In regard to Articles 6 and 7 of the Convention it is agreed that the following points of view shall form the basis for the work of the Commission:

1. The Commission is to commence its work as soon as possible.

2. Before the Commission proposes larger expenditures for permanent works, it shall undertake preparatory surveys extending over a period of at least 12 mouths.

3. The Commission, as its first work of construction, shall strive to establish a channel of 24 feet over the bar in high tide (spring flood-tide).

4. As soon as possible the navigable part of the river below Hammerah shall be fitted out with navigation signals in order to warn against shallowness in the stream.

5. Anchored buoys for mooring, which are to be allotted as far as possible to the different steamship companies, are to be provided at Basra at an early date.

6. In general the Commission will find it advisable in its arrangements to act, as far as is practicable, according to the procedure of the Danube Commission.

Paragraph V.

In regard to Article 7, Clause (b) of the Convention the following has been agreed upon:

Unless different arrangements should be arrived at between both parties the expert arbitrator shall proceed to Basra to investigate the matter in question and shall render his opinion within four months after having received all necessary documents to be furnished to him by both parties, and by the two members of the Commission, or within four months after his arrival in Basra.

The costs of the procedure, including the fees of the expert, are to be borne by both Governments equally.

In witness whereof the plenipotentiaries of both sides have signed this explanatory note and attached their seals thereto.

Given at London, June 15, 1914.

L[ICHNOWSKY]

G[REY]

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TEXT OF NOTES TO BE EXCHANGED ON DATE OF SIGNATURE OF 2 ANGLO-GERMAN CONVENTION

No. 1

Draft of Note from Sir E. Grey to Prince Lichnowsky.

Foreign Office,
June —, 1914.

Your Excellency,

On signing the Anglo-German Convention respecting the Bagdad Railway, &c., I have the honour to state that the undertaking of His Majesty's Government in Section I of the Explanatory Note also covers the guarantees necessary to compensate the Company for the revenues which had been allocated for the purposes of the Railway, but, owing to the Balkan war, may no longer be available for such purposes.

This assurance is subject to the proviso that His Majesty's Government retain such freedom of action as will permit the British Delegates at the Financial Commission at Paris to criticise the details of any scheme which may be put forward in regard to the allocation of specific revenues. In default of some such reservation, the German Government will readily appreciate that the position of the British Delegates at Paris might be rendered difficult in the complicated questions to come up for discussion.

E. G.
L.

No. 2

Draft of note from Prince Lichnowsky to Sir E. Grey.

(Secret) Imperial German Embassy
London, June, 1914.

Your Excellency:

On signing the Anglo-German Convention respecting the Bagdad Railway and related questions, I have the honour to state the following in regard to Article 3 (c) of the Convention and Section III of the attached Explanatory Note:

In the event that, after the completion of the Bagdad Railway from Khanekin to Basra, English capitalists, or the proposed Ottoman Navigation Company through the agency of His Britannic Majesty's Government, should express the desire to build a railway from Kut-el-Amara or a point near this city beyond Bedrai to Mendeli, the Imperial German Government will offer no objection to the construction of such a railway either on the ground that it is less than 100 kilometers in length or on the ground that Mendeli may possibly be situ-

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ated in the protective zone of the Bagdad-Khanekin line. The railway may, however, neither be continued beyond Mendeli nor extended to the Persian frontier, unless a complete agreement be previously arrived at between the Imperial German and His Britannic Majesty's Governments.

The Imperial German Government lays stress upon this note being kept secret and not being published without its explicit consent.

L.
E. G.

No. 3

Draft of Note from Sir E. Grey to Prince Lichnowsky.

Foreign Office,
June —, 1914.

(Secret.)

Your Excellency,

I have the honour to acknowledge the receipt of your Excellency's note of the — instant respecting a project for a railway from the Tigris to Mendeli, and to state that His Majesty's Government agree with the conditions therein proposed.

E. G.
L.

No. 4

Draft of Note from Sir E. Grey to Prince Lichnowsky respecting Irrigation Works.

Foreign Office,
June —, 1914.

Your Excellency,

I have the honour to inform your Excellency that His Majesty's Government will use their good offices with the Ottoman Government, with the view of securing that the principle of open competition shall be upheld in regard to contracts or concessions for future works of irrigation in Asiatic Turkey.

His Majesty's Government will not oppose a minor German participation in any contracts or concessions which may be allotted to British subjects, provided that such participation is deemed commercially desirable by the parties holding the said contracts or concessions.

In agreeing to this arrangement, I desire to bring to your Excellency's knowledge the following clause in an agreement concluded between His Majesty's Government and the Ottoman Government, which should in no way be prejudiced by the terms of this note :

" En tant qu'il s'agit de travaux d'irrigation à exécuter par le moyen

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de canaux se raccordant directement au Chatt-el-Arabe; il est toutefois entendu qu'ils ne seront pas autorisés par le Gouvernement Impérial Ottoman sans avoir reçu l'approbation préalable de la Commission fluviale. Celle-ci aura le droit de surveiller les travaux dont il est question pour qu'ils soient exécutés conformément aux plans et devis autorisés."

I have to add that His Majesty's Government will raise no objection to the irrigation of the plain of Adana (for which, by virtue of existing agreements with the Ottoman Government, German subjects have already carried out considerable preliminary work) being definitely conceded to German subjects, and that they will not support any claims which may be advanced by British subjects to compete in regard to this enterprise. I understand that the German Government will furnish to His Majesty's Government an authentic list, indicating accurately the area and scope of the works in question.

E. G.

No. 5

(Draft of a similar note, *mutatis mutandis*, from Prince Lichnowsky to Sir Edward Grey)

Imperial German Embassy
London, June, 1914.

Your Excellency:

I have the honor to inform Your Excellency that the Imperial German Government will use its good offices with the Imperial Ottoman Government, with the view of securing the maintenance of the principle of open competition in regard to contracts or concessions for future irrigation works in Asiatic Turkey.

The Imperial German Government will not oppose a minor British participation in any contract or concession which may be allotted to German subjects, provided that such participation is deemed commercially desirable by the parties holding the said contracts or concessions.

The Imperial German Government, moreover, takes formal notice of the assurances of the Imperial Ottoman Government which are contained in your Excellency's note of today and which concern the canals connected with the Shatt-el-Arab. It agrees that these assurances should in no way be prejudiced by the present note.

Finally, the Imperial German Government will raise no objection to those irrigation works in Mesopotamia for which, on April 20, 1912, only British firms had submitted offers, being definitely conceded to

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British subjects; and that they will not support any claims which may be advanced by German subjects in competition with these works of irrigation. I understand that His Britannic Majesty's government will furnish to the Imperial German Government an authentic list indicating accurately the area and scope of the works in question.

L[ICHNOWSKY]

ANNEX

OTTOMAN RAILWAY FROM SMYRNA TO AIDIN

Heads of proposed Agreement between the Ottoman Railway from Smyrna to Aidin (hereinafter called "the 'English' Company") and the Anatolian Railway Company and the Badgad Railway Company (hereinafter together referred to as "the 'German' Companies".)

Article 1

The "English" Company and the "German" Companies shall cooperate to procure that the Ottoman Government shall:

1. Grant to the "English" Company a Concession:

   (a) For the construction of a branch line from Karakouyou to Sandükly.

   (b) For the construction of a line from some point on the east shore of Lake Eghirdir to a point on the north or north-west coast of Lake Beyshehir, such railway not to extend further in a southerly direction than the latitude of Kazak Adassy.

2. Grant to the group which has undertaken the irrigation of the Plain of Konia a Concession to construct a narrow gauge "local" railway laid, as far as possible, along the navigation dams, connecting the station of Tchoumra on the Bagdad Railway with the shore of Lake Beyshehir at the town of Beyshehir, such line to be operated by the Bagdad Railway Company.

3. Grant to the "English" Company an authorisation for the navigation of Lake Eghirdir and of Lake Beyshehir and to the "German" Companies an authorisation for the navigation of Lake Beyshehir. The terms upon which the "English" Company and the "German" Companies shall be authorised by the Ottoman Government to navigate Lake Beyshehir shall be in all respects identical.

It is understood that the authority to navigate Lake Beyshehir shall in no way interfere with any existing right in connection with the irrigation works deriving their supply of water from Lake Beyshehir.

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Article 2

It is understood and agreed by and between the "English" Company and the "German" Companies as follows:

1. If and whenever the "English" Company or the "German" Companies shall agree between themselves and with the Ottoman Government that it is desirable for a junction to be made between the line to be constructed by the "English" Company between the Lakes under Article 1, Clause (b) and the line to be constructed by the German group under Article 1, Clause 2, that such junction shall be made at Munafer on the eastern shore of Lake Beyshehir. Failing agreement between them, neither the "English" Company nor the "German" Companies shall extend in any direction their respective lines as defined in Article 1 to any other point on Lake Beyshehir.

2. That the "English" Company and the "German" Companies will enter into an agreement which shall provide, *inter alia:*

(a) That the rates, charges, regulations and facilities made by the "English" Company and the "German" Companies in respect of the navigation of Lake Beyshehir shall not be competitive and shall be fixed from time to time by agreement between the "English" Company and the "German" Companies.

(b) That the rates charged by the "English" Company from its terminus on the north or north-west of Lake Beyshehir to seaports and the rates charged by the "German" companies from their terminus on Lake Beyshehir to seaports shall not be competitive and shall be fixed from time to time by agreement between the "English" Company and the "German" Companies.

Article 3

The "English" Company has agreed with the Ottoman Government that the "English" Company shall have the option for a period of ten years, from the signing of the definite Concession for the construction of the branch to Sandukly, to extend such branch to Afiun Karahissar, so as to effect a junction with the line of the "German" Companies. If the "English" Company shall not exercise its option the Ottoman Government shall be at liberty to call upon the "English" Company to effect a junction at Afiun Karahissar and, if the "English" Company shall be unwilling to do so, the Ottoman Government shall be at liberty itself to build the line and thereby effect a junction between the lines or the "English" Company and the lines of the "German" Companies. It shall be a condition of the construction

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of such line by the Ottoman Government that it will indemnify the "English" Company against any loss or diversion of traffic that may be caused to the "English" Company by such junction being made.

The "English" Company agrees that, if a junction is made, and if the "German" Companies desire it to do so, it will co-operate with the "German" Companies in obtaining from the Ottoman Government adequate guarantees for the protection of the "German" Companies against the diversion of traffic and, so far as may be desired, for a modification or waiver of the "counter guarantee" in respect of the line of the "German" Companies between Eskishehir and Konia.

The "German" Companies agree that they will not, at any time, oppose the construction of a line by the "English" Company between Sandukly and Afiun Karahissar and will, if the "English" Company shall desire them to do so, co-operate with the "English" Company in obtaining from the Ottoman Government adequate guarantees for the protection of the "English" Company against the diversion of traffic.

If a junction is made at any time at Afiun Karahissar the "German" Companies will enter into an Agreement with the "English" Company that the rates charged by the "English" Company and the "German" Companies to seaports shall not be competitive and shall from time to time be mutually agreed between the "English" Company and the "German" Companies, who will mutually give to one another reasonable traffic and other facilities.

Article 4

In the event of the "English" Company and the "German" Companies being unable at any time to agree as to the rates, etc., to be charged or made by them or either of them from time to time under the terms of Article 2, Clause 2, and Article 3 or as to the nature and extent of the traffic and other facilities to be offered under the terms of Article 3 the question in dispute shall be referred to arbitration in a manner hereinafter mentioned.

Article 5

Any dispute or difference which may arise hereafter concerning the interpretation of these presents or of the formal Agreement to be entered into at an early date in pursuance of these presents or of the rights, duties, and obligations of the "English" Company and the "German" Companies in connection with the matters above mentioned shall, failing agreement, be referred to the sole decision of an

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Arbitrator, to be appointed by the parties to such difference. Failing agreement, Her Majesty the Queen of the Netherlands shall be invited to appoint the Arbitrator. The decision of the Arbitrator shall, notwithstanding any law or custom whatsoever to the contrary, be final and binding upon such parties.

Article 6

It is understood that the above arrangements will be incorporated in a formal Agreement, of which the British and German Governments will be invited to take official note. The said Governments will be invited, so far as they are concerned, to undertake to uphold, individually and collectively, the agreement when concluded, and to use their best endeavours in order that the terms thereof may be punctually and faithfully complied with.

Initialled, *ad referendum*.
London, March 28, 1914.

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JEREMY BENTHAM[1]

JEREMY BENTHAM worked continuously at the main problems of social science for seventy years, and made a link between the England of Dr. Johnson and the England, which he himself did so much to fashion, of the Reform Bill. He was born in 1748. He was 28 years of age when the American Colonies declared their independence, he was 41 when the Bastille was taken, and 67 when Waterloo was fought, and he died, working to the last, the day before the Reform Bill of 1832 became law.

His father, Jeremiah Bentham, was the pushing, well-to-do and Tory-Jacobite clerk of one of the City Companies, who married comparatively late in life, and was delighted to find that the tiny little boy whom he christened Jeremy showed,

[1] This article comprises the principal portion of the Foundation Oration delivered by Professor Graham Wallas in the Great Hall of University College, London. By way of preface, Professor Wallas remarked that Bentham well deserved the leading place in the list of founders of University College, from which grew the great University of London. "It is true that it was Campbell, the poet, who first, in a letter to the *Times*, proposed that a London University should be founded. But the intellectual father of the University and College was Jeremy Bentham. Bentham, old man as he was—for he was seventy-seven when the foundation stone was laid—served on the first organizing committee. On all the early committees of the College you constantly find the names of Bentham's personal disciples. James Mill, George Grote, Joseph Hume, Henry Brougham, John Cam Hobhouse, John Austin, all worked for the College, and Mill's greater son, John Stuart Mill, was one of the first body of students. But what was more important was that the ideas and ideals which gave life and meaning to the study of the moral and political sciences in the new institution were so largely drawn from Bentham's teaching and writing. He himself recognized the identity of his own purposes with that of the College, and when, seven years after the laying of the foundation stone, he died, he left to the library one hundred and seventy boxes and bundles of his manuscripts, which are still there, an unexhausted mine for the history of two vitally important generations of English intellectual development. The most beautiful and valuable ornament of the University offices at South Kensington is a bust of Bentham by the great French sculptor, J. F. David, inscribed "*Hommage à Jeremie Bentham*", and the quaintest of the College's possessions is Bentham's skeleton, dressed in his favorite clothes, topped by a wax mask of his face, and holding his stick Dobbin, with which he used to trot every morning round his Westminster garden.

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almost from babyhood, clear indications of genius. Jeremiah Bentham, as long as he lived, was Jeremy Bentham's cross of affliction. His ambition, his showmanship, his thick-skinned snobbery, his love and his pride tormented Jeremy's boyhood and youth. Jeremy was to be Lord Chancellor, and was to reach the wool-sack by social as much as by professional success.

At seven years old Bentham was sent as a boarder to that concentration-camp of eighteenth-century bullying, Westminster School. Luckily he was too small and weak and wonderful to be bullied. It was clear that if anyone hit him he would break, and the dullest brutes at Westminster were amazed at his cleverness. But he suffered horribly from fear—of ghosts, of hell, of everything of which an imaginative child can be afraid. At twelve, he was sent to what was then the most fashionable and possibly the idlest college at Oxford, Queen's College. Within a week or two of his matriculation George II died, and Bentham wrote a copy of Latin verses on the occasion. His father had them printed, and took them round to his literary acquaintances. Dr. Johnson, then the acknowledged dictator of literature in London, said that they were "a very pretty performance of a young man." Bentham, in after life, said they were "a mediocre performance on a trumpery subject, written by a miserable child." At Oxford, Bentham, shy, ridiculously overdressed, and skimped in his allowance, was no more happy than at Westminster. The big young squires of Queen's College called him "the philosopher." Yet they were capable of showing off their strength by holding him upside down, and he lost one of his few half-guineas in this way. He scorned the contemptible education of unreformed Oxford as heartily as did Gibbon or Adam Smith; "We went," he says, "to the foolish lectures of our tutors to be taught something of logical jargon."

Meanwhile the poor little wonder-child was leading, unknown to anyone else, an inner life of heroic purpose. When he was six or seven years of age his father engaged for him a French tutor, and the tutor made him read Fénelon's *Télémaque*, which had been written, half a century before, for the little Duke of

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Burgundy, who, if he had not died of small-pox, would have become King of France. The unrelieved excellences of Telemachus seem absurd to a modern schoolboy, but the book captivated Bentham, as it had captivated the little Duke. "In my own imagination", Bentham says, "and at the age of six or seven, I identified my own personality with that of a hero, who seemed to me to be a model of perfect virtue; and in my walk of life, whatever it may come to be, why, said I to myself, every now and then, why should I not be a Telemachus."

His "walk in life" was fixed for him partly by his father's determination that he should be a lawyer, partly by his passionate devotion, which never left him, to the good of mankind, and partly by his strong instinctive interest in science and scientific method. Of the year 1785 he wrote "This was the period of the birth of chemistry; and the phosphoric matches lately invented charmed me so much that I wrote a poem." The library of University College contains Bentham's translation of a French text-book of chemistry, and the draft of a preface to an unwritten book in which he explains that his intellectual life-work consisted of the application to the social sciences of the methods already invented for the natural sciences. "The present work," he there says, "as well as any other work of mine that has been or will be published on the subject of legislation or any other branch of moral science, is an attempt to extend the experimental method of reasoning from the physical branch to the moral."

Bentham's general interest in scientific method was combined with a particular talent for introspective psychology. He was a born psychologist, born, unfortunately, before the discovery of modern psychology. In his last memorandum, which he wrote a day or two before his death, he says, "I have two minds, one of which is perpetually occupied in looking at and examining the other"; and at the age of 44, when he was in love and writing, as lovers do, to explain away a silly letter, he said, "What made me write so foolishly? I'll tell you; for I have made my head to screw off and screw on, and I can set it on my knee, and open it, and see what is inside of it."

From a combination of social passion with psychological

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method Bentham arrived at that "Greatest Happiness Theory" or "Utilitarian Principle," which dominated his social philosophy. The use he made of that principle for legal, political and social invention was new; but he never claimed to have invented the principle itself. When he was twenty-three years old he read Priestley's *Essay on Government*, and found the passage: "The good and happiness of the members, that is the majority of the members, of any state, is the great standard by which everything relating to that state must finally be determined." Henceforward, he substituted the principle of "The Greatest Happiness of the Greatest Number" for his vague determination to devote himself, like Telemachus, to the good of mankind. But what is Happiness? He took from Helvétius and Beccaria the eighteenth-century philosophical answer, that it consisted in the presence of pleasure and the absence of pain. There remained the question of relation between this psychological fact and the problem of human conduct. Bentham answered that men have an irresistible instinct to seek pleasure and to avoid pain, and that the members of any community would necessarily become happy if their institutions were so contrived that pleasure resulted from social, and pain from unsocial conduct. His *Introduction to Morals and Legislation* (1789) begins, "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. . . . In words a man may pretend to abjure their Empire; but in reality he will remain subject to it all the while."

Before reading Priestly's pamphlet Bentham had taken his Oxford degree at the age of fifteen, had begun to "eat dinners" at Lincoln's Inn, and had returned to Oxford to hear the great Blackstone deliver the newly established professorial course on English Law. "I heard", he says, "the lectures, aged sixteen, and then no small part of them with rebel ears." When he was eighteen he took his M. A., and returned to live in chambers in Lincoln's Inn on a small income of £100 a year settled on him by his father, who had married again. His father's care had provided a few cases for him; but he soon killed

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them (in one instance by advising the client that litigation would cost more than it was worth) and devoted himself to the enormous task of discovering what are the ends aimed at by law and by what means those ends should be attained. He knew well that in so doing he was giving up any chance of professional success. His step-brother, Charles Abbot (afterwards Speaker of the House of Commons) wrote to him, "You are just able to keep body and soul together without practice, I am not."

So Bentham, "just keeping body and soul together" on £100 a year in Lincoln's Inn, began the way of life which he kept up for sixty-six years, and which is recorded in the enormous mass of his unpublished manuscripts. Every day he wrote, generally fifteen folio pages, and as he wrote he thought. He already, in the case of his friends Wilson and Lind, showed his power of attracting and holding disciples. But in the main his life at Lincoln's Inn was that of the solitary thinker, and no one has described better than Bentham the sufferings of that life. In a treatise on political economy, he speaks of the "timidity," which "labors in grief, in darkness, in awkwardness, embarrassment and false shame . . . . . the frequent and afflictive companions and most cruel enemies of merit and solitary genius." He did not escape the danger which leads the solitary thinker to postpone the publication of his thoughts till the impossible day when their form shall have become perfect. Wilson writes to him in 1787, "Your history since I have known you, has been to be always running from a good scheme to a better. In the meantime life passes away and nothing is completed." In 1776 the insistence of his friends had induced him to publish anonymously the *Fragment on Government*. Blackstone had turned his Oxford lectures into a book, opening with a few vague and pompous generalizations about the glories of English law and the English constitution and the social contract as the original source of law. Bentham attacked him from his own psychological standpoint, and, in a succession of scornful and sometimes over-elaborated paragraphs, shook the great judge's phrases as a terrier shakes a rat. The treatise was ascribed to half the best-known writers

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of the time, till Jeremiah Bentham's paternal pride let out the secret.

The *Fragment* ceased at once to be a matter of drawing-room talk, but its publication had given Bentham a new and important friend. Lord Shelbourne (better known as Lord Lansdowne, and at one time Prime Minister) called at Lincoln's Inn, and asked Bentham to stay at Bowood House. Lansdowne, though he was older and more experienced than Bentham, learned much from him, and, like all those who came in contact with him, thoroughly enjoyed his company. "His disinterestedness", wrote Lansdowne, "and originality of character refresh me as much as the country air does a London Physician." Bentham, on the other hand, says that Lansdowne "made me feel I was something." The life of the great English country houses was then in its glory, and during long visits at Bowood, Bentham met the leading English statesmen of the time on equal terms. He was a musician, a chess-player, an excellent French scholar, and what ladies would now call a "dear." The ladies at Bowood, rather tired perhaps of politics and sport, and of the men who sat long over their wine, delighted in him. Lansdowne suggested that Bentham should marry one of them, and Bentham fell gently and unsuccessfully in love with another one. He worked steadily, whether in London or at Bowood, at his great system of political science, part of which was published in 1789, as *An Introduction to the Principles of Morals and Legislation*. This is the best written of all his books, and remains the best general statement of the Benthamite gospel. It is based on a rigorously consistent psychology, as psychology was then understood. To Bentham no motive is in itself either good or bad. All human instincts are equally natural, and the only moral judgment that we can apply to them must result from an enquiry whether in any particular case they lead to the unhappiness or happiness of the greatest number. Loyalty, and love, and anger, and piety, and patriotism, are in themselves neither virtues nor vices. Love is the same instinct as lust, and caution as fear; we should only praise or blame them when in each case we have unflinchingly calculated their actual or probable effects. We have no duties

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to abstractions, like states, and constitutions, and natural rights, and parties, and churches, but only to actual human beings who can feel actual pains and pleasures.

Bentham still thought of himself in 1789 as a Tory like his father, and it was a quarter of a century after the publication of the *Introduction* before he began to realize the full revolutionary implications of his method. But there could be no doubt of its effectiveness when he turned it (as he did in this book) on to the pretenses and absurdities and cruelties of eighteenth-century English legal procedure, on to John Doe and Richard Roe, and the rule which forbade a prisoner to give evidence on his own behalf. Other lawyers felt, like Bentham's step-brother Abbot, that a man with his way to make in the world should find out what law was, instead of asking what law ought to be. But, as the years went on, Bentham's steady industry, his ingenuity and fertility, his quaint humor, the smouldering fire of scorn behind his books and pamphlets and talk, had their effects even on the Inns of Court. Every decade a few public-spirited lawyers—Romilly, and Brougham, and Austin, and the rest—became his disciples; and at the end of the nineteenth century Sir Henry Maine was able to say, "I do not know a single law reform effected since Bentham's day which cannot be traced to his influence."

Before the publication of the *Introduction* Bentham had spent two years in Russia. His only brother, Samuel Bentham, nine years younger than himself, had been educated in accordance with Bentham's advice, and had become a brilliant and ingenious mechanical engineer. Samuel Bentham was in the employ of the great Russian land-owner, Prince Potemkin, and was carrying on the work of Peter the Great by training serfs as artisans. Bentham stayed with him, writing his daily fifteen pages (including a Defence of Usury and a Criminal Code in French) and in 1788 returned, a year before the French Revolution, to England.

In March, 1789 the Revolution was already in full swing, and Bentham writes, "For these five or six months past my head and my heart have been altogether in France." The French Revolution made Bentham at once an international

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figure. He had met at Bowood Dumont, the Swiss tutor of Lansdowne's sons, who apparently read some of Bentham's manuscripts, and became his avowed follower. Dumont was now Secretary to Mirabeau, the leader of the early stages of the Revolution, and turned Bentham's philosophy and many of the details of his political and legal proposals, into speeches to be delivered to the National Assembly. One may see in the Library of University College long slips of manuscript inscribed "To be shown to M. Mirabeau." The procedure of the Assembly was largely based on a sketch by Bentham, and he, with Wilberforce the Tory philanthropist, and Paine the republican, was made a citizen of France.

In 1792, when the French Revolution had taken its own course, Bentham's father died, and left him £600 a year. At the same time, Samuel Bentham returned from Russia and began to work for the British Admiralty. Then came the great disaster of Bentham's life. He and his brother in Russia had worked out a scheme for a wheel-shaped building, where a single inspector could watch a large number of workmen in the galleries which radiated from his observation-room. The building was to be called the Panopticon. This scheme Bentham now proposed to the government as a means of improving the abominable prisons of the day and abolishing the equally abominable hulks and transportation-settlements. The Ministry encouraged him, he was enthusiastic, and he sank nearly all his inherited capital on the purchase of land and the commencement of a model prison at Millbank. He was convinced that the same scheme could be used for abolishing the degradation of the old poor law, and that it was an infallible "machine for grinding rogues honest and idle men industrious." He proposed a contract by which all the prisoners and paupers in England should be handed over to him to employ for profit in Panopticon buildings. But Bentham's psychology, though it was a good enough weapon for reform in legal and parliamentary procedure, was utterly insufficient for the direction of the whole lives of tens of thousands of children and women, and invalids and defectives, and criminals, and unemployed or unemployable workmen. Yet every year Bentham became

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more convinced of the perfection of his scheme, and every year its details became more minute and more unworkable. The Ministry began to distrust him, but, after the manner of busy statesmen in war-time, came to no decision. Already in 1795 Wilberforce writes, "Poor Bentham is dying of the sickness of hope deferred"; and again in 1811, "Never was anyone worse used than Bentham. I have seen the tears running down the face of that strong-minded man through vexation at the pressing importunity of creditors and the insolence of official underlings, when day after day he was begging at the Treasury for what was, indeed, a mere matter of right." At last, in 1811, the Government appointed a Select Committee, which drew up an unanswerable report both as to the impracticability of the scheme, and as to the right of Bentham to compensation, and he was paid £23,000.

He was now 65 years old, and many of his friends must have thought of him as a broken man, broken by one of those "fixed ideas" which are the special curse of solitary and original thinkers. Many years later he told Bowring, "I cannot look among Panopticon papers; it is like opening a drawer where devils are locked up, it is like breaking into a haunted house."

But Bentham's best and most effective work was still to be done. In 1808 he had become acquainted with James Mill, a Scotch philosopher who was supporting a growing family by literary journalism, and through Mill with Francis Place, the Charing Cross tailor, ex-Trade Union Secretary, and masterly election-manager. Mill and Place became his devoted disciples, and brought their revered and beloved master for the first time into practical English politics. They convinced him that the Greatest Happiness Principle was meaningless unless it led to universal suffrage. Bentham became the intellectual leader of the famous Westminster group of Radical politicians. He was soon surrounded by men a generation or two generations younger than himself, Mill and his son, Place, Wakefield, Grote, Southwood Smith, Parkes, Bowring, Buller, Chadwick and others. Under the stimulus of these new followers, with their varied experience, and their hopes for a new world after the long war, he carried on his work as political inventor and

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adviser more continuously and effectively than ever before. He drafted a complete scheme of Parliamentary democracy. He poured out details of elementary, secondary and technical public education. He performed miracles of industry in preparing a codification of all law. Between 1824 and 1832, with the help of Southwood Smith and Chadwick, he wrote his unfinished but amazing *Constitutional Code*, the mine from which a whole new system of English Government and of the relation between English central and local government was extracted in the years that followed the Reform Bill of 1832. From the incompletely printed manuscript of the *Constitutional Code* Chadwick took the details of the New Poor Law of 1834, Parkes and Place the details of the Municipal Reform Act of 1835, Chadwick the details and even phrasing of the Act establishing a scientific system of vital statistics in 1836. The whole book was at last printed in 1841, and contained, mixed with some details which seem to us fanciful, schemes which have since then been carried out for a logical division of work between the government departments, for Ministries of Health, and Education, and Police, and Transport, in connection with corresponding municipal committees and expert municipal officials, and—most wonderful of all when one thinks of the patronage arrangements of the time—a Civil Service recruited by competitive examination, access to which was to be made possible to the poorest boy of talent by a great system of educational scholarships. Tallyrand was right when he said of Bentham in 1830, "Though all the world was stolen from him, he is still rich."

Bentham in his old age became an international figure in a wider sense than he had been when he was made a citizen of France. Dumont's French translations and condensations of his manuscripts were read all over the world, and were used by the leaders of the new national movements which defeated the Holy Alliance and created free nations from the fragments of the Spanish and Turkish Empires. In 1793 he had addressed a vigorous pamphlet to the French Government with the title *Emancipate your Colonies*. His English version of this pamphlet ends: "You will, I say, give up your colonies because

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you have no right to govern them, because they had rather not be governed by you, because it is against their interests to be governed by you, because you can get nothing by governing them, because you cannot keep them, because the expense of trying to keep them would be ruinous, because your constitution would suffer for your keeping them, because your principles forbid your keeping them, and because you would do good to all the world by parting with them."

This pamphlet was used during the next thirty years for semiprivate circulation among the friends of colonial liberty, and the manuscripts in the library of the University of London show that Bentham was in 1828 drafting a petition to be addressed from the Canadians to the British Parliament asking for complete separation.

But events and Bentham's own intellectual industry and honesty and elasticity were during the last few years of his life driving him far beyond a merely negative attitude as to England's overseas dependencies. In 1819 James Mill had become a high official of the East India Company, and soon brought John Mill in as his assistant. Bentham became profoundly interested in Indian reform; and Rammohun Roy, the founder of the reforming society called the Brahmo Somaj, became his friend and correspondent. Lord William Bentinck, when in 1827 he went as Governor General to India, wrote to Bentham, "I am going to British India, but I shall not be Governor General. It is you who will be Governor General." For India Bentham concentrated his efforts on the task of separating law from despotic discretion, and of building up a system of legal and judicial institutions based on political science and independent of the executive government. If ever we march out of India and leave behind us anything better than mountains of empty soda-water bottles, it may be that this principle of Bentham's will prove to be our most permanent contribution to Indian civilization.

In 1829, when Bentham was eighty-one years old, Edward Gibbon Wakefield, the reckless, able son of Bentham's old friend Edward Wakefield, came out of Newgate prison, after serving a sentence of two years for the fraudulent abduction of

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an heiress. In prison Gibbon Wakefield had thought out a scheme for the scientific settlement and self-government of the Australian colonies. He took his scheme to Bentham, and it is a wonderful proof of the elasticity of Bentham's mind in extreme old age that he was at once converted, and sat down to draft, on sheets of paper which are still preserved, the prospectus of a colonization company, and a declaration of the principles of Australian self-government. One sentence of his draft states the object of the proposed Colonization Society, in words which those responsible for the intellectual life of Australia should still heed to-day, as the "giving to the immigrant into Australia not merely the means of existence . . . but, through the medium of education, the means of *well-being* in all time to come, as well in respect of the mind as in respect of the body." One is glad to know that the Australian scheme even healed in part the wound of the Panopticon disappointment, and that Bentham could write, "I am reconciled to the loss of Panopticon when I think of the mass of happiness that is being created there."

What is still more wonderful is that Bentham at eighty-one saw that if England was to help in the creation of this "mass of happiness" in her temperate colonies the old principle of *Emancipate your Colonies* must be abandoned in favor of a new principle of self-government within the Empire. He printed a page of retraction to that effect, which he pasted on the remaining copies of his original pamphlet; and six years after Bentham's death his disciples made that principle the basis of that new Canadian polity which soon spread to the other Dominions.

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THE DEVELOPMENT OF ANTI-JAPANESE AGITATION IN THE UNITED STATES II

The California Land Laws

I

DISSATISFIED with half-measures, the Exclusion League showed no disposition to give the Gentlemen's Agreement a trial.[1] It had no faith in the "honor" of the Japanese government, and it placed little hope in an agreement which was modeled after the signally unsuccessful "understanding" of 1900. In the first annual convention of the League, held in Seattle, February, 1908, a memorial addressed to Congress was adopted which declared against "any agreement which will permit the ruler of any foreign country to make stipulations as to what class of persons and in what numbers shall leave said foreign country for the purpose of immigration to the United States."[2]

Neither was the State legislature pleased. It shared the Exclusion League's distrust of the Agreement as a means of prohibiting future immigration. Furthermore, it considered the Japanese already on the Pacific Coast a "menace" to American life. The Gentlemen's Agreement had nothing to do with the latter problem. And the legislature was insistent that this aspect should also be solved. It had no right directly to expel the Japanese or any one else from the State.[3] But it attempted to accomplish the same end by making conditions so disagreeable for the Japanese that they would "voluntarily" leave. By the agitation which inevitably accompanies the passage of irritating legislation, it also hoped to arouse an apa-

[1] See "The Development of Anti-Japanese Agitation in the United States I", POLITICAL SCIENCE QUARTERLY, vol. XXXVII, pp. 605-638.

[2] *Immigration Commission Reports*, vol. 23, p. 170.

[3] *In re Ah Fong*, 3 Sawy. 144. Measures indirectly excluding the Chinese, by head-taxes, etc., have been also declared unconstitutional. See Coolidge, *Chinese Immigration* (1909), chap. v.

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thetic country to the necessity of "solving" California's racial problem.

In the 1909 session of the legislature about seventeen anti-Japanese measures were introduced. These were narrowed down to three bills: (1) The Drew Alien Land Law, which compelled every alien landholder[1] to become a citizen within five years or dispose of his holdings—a measure which would effectually exclude the Japanese from ownership as they could never become citizens;[2] (2) the Anti-Japanese School Bill, which provided for the segregation of Japanese children in the public schools—a revival of the old agitation; and (3) the Municipal Segregation Bill which authorized municipalities, in order to "protect the health, morals and peace of their inhabitants", to restrict "undesirable, improper and unhealthy persons" within certain prescribed districts.[3]

At the intervention of Governor Gillett and of President Roosevelt,[4] these bills were finally dropped, although not without a good deal of grumbling. One assemblyman declared, "Since yesterday I have changed my views. I thought there were three departments in this Government, but I find that I was mistaken. I recognize the error of my youthful belief. I know that the Legislature and the Executive are one, or rather that the Executive is the Legislative." The only anti-Japanese action taken by the legislature was a resolution advocating the extension of the Chinese exclusion laws to the Japanese,[5] and

[1] The early hostility of political parties toward alien land ownership may be seen in Davis, *Political Conventions in California*, pp. 458, 529, 548.

[2] Federal courts have ruled that Japanese are not "free white persons" and therefore not eligible to citizenship under our naturalization laws. In November, 1922 the U. S. Supreme Court confirmed these decisions. *Ozawa v. the U. S.*, 43 Sup. Ct. Rep. 65. For a detailed discussion of this and other legal questions, such as dual citizenship, the treaty of 1911, and anti-alien land legislation, see R. L. Buell, "Some Legal Aspects of the Japanese Question", *American Journal of International Law*, January, 1923.

[3] Hichborn, *Story of the California Legislature of 1909*, pp. 202 *et seq.*

[4] See Roosevelt's letter to Mr. P. A. Stanton, speaker of the Assembly. *Theodore Roosevelt—An Autobiography*, pp. 382-384. On Roosevelt's views regarding exclusion at this time, see his letter of Jan. 29, 1909, to Congressman William Kent, reprinted in "Japanese Immigration and Colonization", *Senate Doc. No. 55*, 67th Cong., 1st session, p. 62.

[5] Joint Resolution, *California Statutes*, 1909, p. 1346.

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a law appropriating funds in order that the State Labor Commission might collect statistics concerning them.[1]

Another source of agitation was found in the launderers. In March, 1908, an "Anti-Japanese Laundry League" was organized to protect white laundries from yellow competition. Laundry proprietors and employees paid regular dues to this organization. The League attempted to prevent the issuance of licenses to the Japanese, to reduce their patronage, and to prevent them from securing laundry equipment.[2] Billboard advertising was skillfully utilized. One poster read:

Foolish woman!
Spending your man's
Earnings on Japs.
Be fair, patronize
Your Own.
We support You.

From the very start, it is evident that neither the laboring men nor the politicians were satisfied with the Gentlemen's Agreement.

California's apprehension in regard to the Japanese was further aroused by the negotiation of a new treaty with Japan in 1911. It will be remembered that the treaty of 1894 contained a provision at the end of Article II which virtually said that each country might exclude the laborers of the other. The Japanese government had strenuously objected to this provision, and finally agreed to it only because the removal of extraterritoriality in Japan depended on the ratification of this treaty. Shortly afterward, Count Hayashi wrote in his *Secret Memoirs*, "In a few years, the time will come for the denunciation of that treaty, and a new treaty will be made, which will have no restriction on the freedom of the Japanese to immigrate to America."[3] This prophecy proved to be correct. The Treaty of 1911 (Article 1) read, "The citizens or subjects

[1] *Ibid.*, p. 227.

[2] *Immigration Commission Reports*, vol. 23, pp. 195-196.

[3] *Secret Memoirs of Count Tadasu Hayashi* (1915) edited by A. M. Pooley, p. 249.

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of each of the high contracting parties shall have liberty to enter, travel and reside in the territories of the other. . . ." No qualification in regard to the admission of laborers was made. The only safeguard against immigration was the Declaration accompanying the treaty, signed by Count Uchida, the Japanese Ambassador to America, which stated that Japan would continue to enforce the Gentlemen's Agreement.[1] The elimination of the exclusion provision of 1894 from the treaty of 1911 alarmed the California legislators, who believed that, despite the Declaration, we had now surrendered the control of our borders to the Japanese government.[2] The legislature was in session when the Japanese treaty was pending. Naturally, vigorous opinions were expressed in regard to its terms. The senate went so far as to pass a land bill denying to aliens ineligible to citizenship the right to hold land, by a vote of 29 to 3. But at the intercession of President Taft, the legislature finally dropped the measure.

II

A presidential year came in 1912. The Republican party had been in power at Washington since 1896. It was also in control of the California legislature. Consequently, President Roosevelt had been able to restrain the latter body whenever its anti-Japanese measures threatened to embarrass the federal government. This, despite the bad grace with which the legislature had usually marred its acquiescence. Not that the Democrats were inspired by any loftier motives than the Republicans—on the contrary, they seized upon the timorous restraint of their opponents as a high horse upon which they themselves might ride to power. In the 1912 campaign the state Democratic party declared that Roosevelt believed that "the Japanese should be allowed to overrun the lands in California", and "that grown Japanese men should be allowed to mingle in the public schools with white boys and girls of tender years"!

[1] See Charles, *Treaties and Conventions, etc. of the United States*, p. 82.

[2] Roosevelt also thought the treaty to be a mistake.—*Autobiography*, p. 389.

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Such sabotage had no effect on the smoothly greased wheels of Hiram Johnson's political machine. In the elections of 1912 the Progressives carried the state for Roosevelt, and the state legislature became Progressive and Republican. But at Washington, a Democrat, Woodrow Wilson, had driven the Grand Old Party from power. Never before during the Japanese controversy had a Republican (or Progressive) legislature existed in Sacramento simultaneously with a Democratic President in Washington. Furthermore, California's Governor, Hiram Johnson, apparently had an eye on the Presidential chair. Consequently, the legislature which had hitherto bowed to the will of President Roosevelt now was to treat the remonstrances of Washington, with respect, but with total disregard.

When the Sacramento legislature was convened in the winter of 1913, about forty anti-Japanese measures were introduced. Many of them dealt with the right of aliens to own land. After conducting hearings on these bills, the Judiciary Committee of the assembly reported out a measure, on April 2, 1913, which declared that: (1) an alien might acquire real property and hold it for one year, (2) he might lease land for five years, (3) corporations, a majority of the stock of which was owned by aliens *ineligible to become citizens*, were declared to be aliens.[1] With the exception of the last provision, this bill treated all aliens alike. For this very reason, the measure was vigorously opposed by assemblymen from districts in which foreign capital was invested. But despite their objections, the assembly passed the bill in its original form.

Likewise, the senate Judiciary Committee framed a law which was even less discriminatory than the Assembly bill. It fixed the leasing period at three years and also excluded from the rights of ownership all corporations the majority of stock of which was owned by aliens of whatever race. On the 18th of December, Secretary Bryan telegraphed that the senate bill was greatly to be preferred over that of the assembly. He advised especially against the use of the words, "ineligible to citizenship."

[1] Hichborn, *Story of the California Legislature for 1913*, p. 236.

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If this bill had been enacted, it would have been unobjectionable from the diplomatic standpoint. It could not have become by any possible interpretation a source of international dispute; and it would have protected the resources of California more thoroughly than a measure limited merely to "aliens ineligible to citizenship"—or the Japanese. But the California senate would not have it so. Many of its politicians wished to make out of the Japanese question an international issue—otherwise they would attract little notoriety. Furthermore, European capitalists did not relish the loss of possible investments in California, especially in minerals and oil. Consequently, they organized a powerful lobby which was successful in causing the state senate to defeat the non-discriminatory bill.[1] Just what European interests participated in this lobby, it is difficult to determine. But in 1913, Andrew Weir, a large ship-owner in England, representing a prominent group of Englishmen, undertook to gain control of the Union Oil Company of California. This group actually purchased twenty-five per cent of the company's stock and secured an option on the remainder.[2] The passage of a land law which applied to all aliens would have prevented the acquisition of the Union Oil Company by this English syndicate. It would have prevented the operation of another alien corporation, the Royal Dutch Shell Company, which became incorporated on July 30, 1915. It would have prevented the operation of new mines, in Shasta County, by the Mountain Copper Company, a British syndicate which owns one of the largest smelters in the state.

Whatever these interests were, they brought tremendous pressure to bear on the senate. As a result, that body amended previous measures so as to exempt practically all European and Canadians from their operation.[3] The bill as it now stood permitted aliens "eligible to citizenship"—and no others—to own

[1] Hichborn, *op. cit.*, p. 243.

[2] This option expired on the outbreak of the war.

[3] It made three amendments: (1) corporations, the majority of the stock of which was held by citizens eligible to citizenship, might hold land; (2) aliens eligible to citizenship might also own mining and oil-well property; (3) the leasing period was limited to four years.

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mining and oil-well property. This discrimination against aliens who could not become citizens, obviously the Japanese, was immediately protested by President Wilson. In a telegram he declared, "Invidious discrimination will inevitably draw in question the treaty obligations of the Government of the United States. I register my very earnest and respectful protest against discrimination in this case." On the 23rd of April, the President again wired that he could not understand the situation and asked permission to send Secretary of State Bryan to Sacramento.

For some strange reason, the legislature did not take umbrage at his request; and both houses dispatched an invitation to Mr. Bryan to confer with them. The Secretary arrived in Sacramento on April 28th, and stayed for about a week. But all of his efforts to obtain the passage of a land law which would not discriminate against the Japanese failed. He left Sacramento a defeated man. His visit probably was a mistake. Very likely, if Mr. Wilson had kept his hands off a Republican legislature, it would not have dared to pass legislation bound to cause international trouble. But the state legislature had been balked by a Republican President for at least six years. Each time that it had withdrawn anti-Japanese legislation it had felt humiliated; yet because of the mutual party interests in state and federal government it had obeyed. Now, however, there was no reason why it should suffer yet another rebuke from a President who had come to power because of a division in Republican ranks. Furthermore, Japan demanded that its rights be redressed. If there is anything which disgusts a California politician—and indeed many of its people—it is talk about the "rights of Japan." In the face of the protests of a Democratic President and of an "impudent" Japan, a Republican legislature believed that it could never face "the people at home" if it acquiesced in the demands of both. Consequently, the senate stood firm.

But in order to make the proposed legislation conform to the treaty obligations of the United States, the Webb-Heney bill was finally agreed upon. This bill left to aliens ineligible to citizenship all rights to real property granted by treaty, *but no*

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others—except the right to lease land for three years. As the treaty of 1911 did not grant Japanese the right to acquire land, they now had no rights in regard to the acquisition of real property whatever.[1] But all aliens eligible to citizenship were given the same rights to real property as citizens. In this form the Webb-Heney bill passed the senate on May 2, 1913. The European investors had been spared; but the Japanese, less able to defend themselves, were singled out for attack; and they were denied rights granted to aliens from other countries. The assembly also accepted the bill. Despite the opposition of the Panama-Pacific Exposition, of the Asiatic Exclusion League (the members of which believed that the law would hurt the fight for exclusion), and of President Wilson, the bill now became law.[2]

Because of its discriminatory nature, this legislation immediately brought forth protests from Japan. The Japanese Foreign Office emphasized the importance of "the discriminatory phase of the legislation in those affairs of international commercial concern, in which nations usually accord to peaceful and friendly aliens equal treatment, either as a matter of comity or by application of the principle of the most favored nation."[3] These protests, official and popular, led to the revival of war talk. After the remonstrances of the Japanese ambassador, the *Los Angeles Examiner* frantically declared, "Not since the guns of Fort Sumter boomed out over Charleston Harbor in

[1] See my article, "Some Legal Aspects of the Japanese Question".

[2] The land law which went into effect on August 10, 1913, contained the following provisions: (1) aliens eligible to citizenship may acquire, hold and transmit real property in the same manner as citizens of the United States; (2) all aliens "other than those mentioned in section one" may acquire property in the manner prescribed by any treaty now existing between the United States and the country of which the alien is a subject; and in addition, may lease land for agricultural purposes for a term not to exceed three years; (3) any corporation of which a majority of members are aliens ineligible to citizenship, or in which a majority of issued capital stock is owned by such aliens, may acquire land only as prescribed by treaty; (4) any property acquired in violation of this law shall escheat to the State of California.—*1913 California Statutes*, p. 206.

[3] *Foreign Relations of the United States*, 1913, p. 630. See also *ibid.*, 1914, pp. 426-434.

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1861 has the nation fronted so serious a threat as it does to-day."[1] The militarists of America were matched by the militarists of Japan, who silently chuckled at the resentment of their people against California's action. White-Perilism meant larger budgets for the navy!

This land law did nothing more than prevent the acquisition of real property by the Japanese *in the future*. It did not deprive them of land which they already owned. It did not even prevent them from leasing any amount of land they might wish in the future. Although the leasing term was limited to three years, they might legally renew the lease and remain on the land indefinitely. The law, therefore, was absolutely ineffective in removing the Japanese from the land. Efforts were now to be made to make the legislation more stringent.

III

But despite attempts made to abolish the leasing privilege in the 1915 and 1917 legislatures, nothing more was done in regard to the Japanese until 1919. Now that the war had come to an end, and the American Legion had been organized,[2] and a national election was approaching, the Japanese again became a target of attack. Attention was called to the "enormous" increase in acreage made by the Japanese during the war. The acreage owned by the Japanese, which in 1913 was 26,707, had increased in 1918 to 29,105 acres; while the amount held by lease, etc., increased to 336,721. It was alleged that these increases were brought about by subterfuge and the evasion of the law. The means taken by the Japanese to evade the law and acquire title to real property were: (1) by dummy cor-

[1] April 23, 1913.

[2] The head of the Stockton American Legion has testified as follows: "We were the first—I know that we were the first in Stockton—to agitate the question and circulate the anti-Japanese-Asiatic petitions . . . and we feel that we are more or less responsible for the movement in California."—*Hearings*, pp. 475-76. Another witness testified: "Yesterday . . . we were accosted by a young man who wanted us to sign the initiative measure and we started to examine it, when he said, 'It is not necessary to examine it.' We said that we did not want to sign it without reading it, and he said that there was not one in 500 that read it. He said, 'The American Legion is behind this, and the American Legion is behind Senator Phelan.'"—*Ibid.*, p. 570.

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porations in which the majority of the stock was held by American citizens (who might be Japanese children born here) but paid for and controlled by Japanese, themselves ineligible to own land;[1] (2) by trusteeships, where Japanese paid American citizens to purchase land and hold it for them or for their children; (3) by guardianships, in which the Japanese parents, as guardians of their American-born children, purchased land in their name, but used it for themselves. The amount of land thus acquired by the Japanese was not very large. In the nine counties of Southern California only 518 acres of farm land and 47 city lots were acquired in the names of Japanese children in the seven years following 1913. Nevertheless, the Anti-Japanese League exhorted against the shocking immorality of the Japanese who stooped to such practices. But they failed to recognize that the evasions had been brought about by American lawyers, and that Americans themselves utilize every possible means of side-stepping laws affecting their own interests.

Furthermore, the state already had the power of dissolving fictitious guardianships. In the case of *People v. Harada*, decided in 1918, the court held that when a Japanese father acquired property in good faith for his children and administered it for their interests, the law could not intervene. This decision was interpreted to mean that the state had no power to dissolve guardianships obtained by Japanese purely to circumvent the land law of 1913.[2] This interpretation, however, was illogical inasmuch as the court, in the case cited, insisted that the guardianship must rest on good faith. But all Japanese guardianships obviously have not rested on that basis. In fact, in the so-called Visalia cases, the court terminated letters of guardianship on the ground that the Japanese concerned had rendered no account of his guardianship; that he had used the property as his own; and that his purpose in applying for letters of guardianship was merely to gain title and

[1] For a list of these corporations, see *Hearings*, pp. 420 *et seq.*

[2] For the case, see *People of the State of California v. Yukiehi Harada et al.*, in the Superior Court of the State of California in and for the County of Riverside, No. 7751. Filed, County Clerk of Riverside, decided October 22, 1918.

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control of land which otherwise he could not have.[1] The court declared that it was an absurd construction of the law to hold that the state did not have power to terminate such fictitious relationships.

Despite these decisions which show that the state already possessed the power to deal with this means of evasion, the politicians seized upon it as a pretext to amend the 1913 land law. It was during the Peace Conference at Paris that such action was commenced. On April 1, 1919, two senators asked that the legislature permit the introduction of anti-Japanese bills, one concerning "picture brides" and the other abrogating the leasing provisions of the 1913 land law.[2] The passage of these laws would incense Japanese opinion, as it had formerly done, and at a time when the American peace program might be seriously affected. Consequently the senate committee to which these requests were referred, recommended that they be denied.[3] It was finally decided to continue the consideration of the requests until a cablegram could be sent to the Secretary of State at Paris asking whether or not the introduction of such measures would embarrass the United States at the Conference. Such a dispatch was sent on April 3, 1919. A week later M. Lansing replied that it would be particularly unfortunate to have these bills introduced or pressed at the present time. . . ."[4] As a result of this cable, the senators withdrew their requests and the anti-Japanese legislation was dropped.

[1] *In the matter of the Estate and Guardianship of Fumiko Kawahara,* November 24, 1919; also *In the matter of the Estate and Guardianship of Kimiko Okasaki, et al.,* January 5, 1920. For other cases, see *Hearings,* pp. 873 *et seq.*

[2] The California legislature, which meets biennially, has the unique practice of dividing each session into two parts; in the first part, bills are introduced, after which a recess of a month is taken in which the legislators may learn the opinions of their constituents. According to the Constitution (Article IV, section 2) no bill can be introduced after the reassembling of the Legislature, without the consent of three-fourths of the members of the house. This is why the senators were obliged to ask the consent of the senate to introduce these bills.

[3] *Senate Journal,* 1919, p. 999.

[4] *Senate Journal,* 1919, p. 1277. On April 10th, the senate replied to Lansing urging federal action in regard to Japanese immigration (p. 1377).

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But the "people" felt no such responsibility to the nation. After the Peace Conference was terminated by the signature of the Treaty of Versailles on June 28, 1919, the diplomatic restraints which had been clapped on anti-Japanese talk were thrown to the winds. The Hearst papers and the anti-Japanese politicians again raised the spectres of Japanism—land monopolies—increasing Japanese immigration—picture brides—Emperor worship and dual citizenship. The Immigration Hearings in Washington, held to frame a new policy for the United States, gave Senator Phelan and others an opportunity to harp *ad nauseam* on the Japanese menace to the country. But it was Japanese imperialism which really fed the fires of anti-Japanese agitation. The universal indignation at the award of Shantung to Japan and cumulative evidence of the broken pledges of Japan in international affairs increased the suspicion of many honest people in California that Japan would show no scruples in violating the Gentlemen's Agreement, the only bar to an inundating wave of Orientalism. It made little difference to the popular mind that the berry hucksters who plowed California's fields had nothing to do with Japanese imperialism. For all that they knew, the Japanese government might be using them to accomplish by covert means what it was more openly doing in Korea, Manchuria and Siberia! The responsibility, therefore, for a large share of anti-Japanese agitation in California is due to the militarists of Tokyo.

In September, 1919, a committee was appointed to revive the old Exclusion League, which had been dormant since 1909.[1] Once organized it secured the affiliated membership of such organizations as the American Legion, the State Federation of Labor, and the Native Sons and Daughters. It adopted this "five-point" program:

1. Cancellation of the "Gentlemen's Agreement."
2. Exclusion of "Picture Brides."[2]

[1] *Los Angeles Examiner*, September 18, 1919.

[2] When a Japanese resident in the U. S. has been too poor to return to Japan and find a wife, he has arranged for his relatives, etc., to pick out a bride and to have a proxy marriage ceremony performed in Japan, whereupon the "wife" proceeds to the United States to join her husband. Her picture is sent on

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3. Rigorous exclusion of all Japanese as immigrants.

4. Confirmation and legalization of the policy that Asiatics shall be forever barred from American citizenship.

5. Amendment of the Federal Constitution providing that no child born in the United States shall be given the rights of an American citizen unless both parents are of a race eligible to citizenship.

This organization, as well as many of the members of the state legislature, now demanded that Governor Stephens call a special session of the state legislature. The governor refused, his position being that no action should be taken until the State Board of Control should conclude an investigation of the Japanese situation which it had just undertaken. His refusal to call a special session took a tremendous amount of courage, for it brought down upon his head abuse from organs such as the *Grizzly Bear*, which demanded the recall of the governor and of all the other "pro-Japs in California", in order that the state might remain what "it has always been and God Himself intended it shall always be—the White Man's Paradise."[1]

But even such diatribes did not shake the governor in his determination not to call a special session that would, to use the words of the *San Francisco Chronicle*, only "complicate international relations" and be a "waste of the public money."[2]

Having failed to secure a special session of the legislature, the anti-Japanists now turned "to the people." Despite the journeys of different "peace" commissions to Tokyo, one going from the San Francisco Chamber of Commerce,[3] the

ahead, hence the name "picture bride". The Japanese Government refused to issue passports to "picture brides" after February 29, 1920, as a concession to American sentiment against the practice. But apparently this prohibition did not apply to passports to "picture brides" to Hawaii, since in its report to the Secretary of Labor, released January 25, 1923, the Hawaiian Labor Commission emphatically recommended that the importation of "picture brides" be stopped, because "these practices have defeated the purpose of the so-called 'Gentlemen's Agreement'".

[1] *Grizzly Bear*, March, 1920.

[2] October 30, 1919.

[3] See the interview with Mr. Wallace Alexander, *San Francisco Call*, April 26, 1920.

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propaganda against the Japanese showed no signs of abatement. The agitation was aided by the report of the State Board of Control, entitled *California aud the Oriental*, which appeared in June, 1920; and by the hearings conducted by the House Committee on Immigration and Naturalization on the Pacific Coast in July and August, 1920. While the facts brought out in both inquiries were, for the most part, correct, they were immediately misinterpreted by "anti-Jap" agitators; and the House hearings allowed some people to write their views on the pages of a government document, when otherwise they would have obtained little publicity.

As a result of this movement, two initiative measures were placed upon the ballot for the general election of November, 1920. The first was an amendment to the land law of 1913. It deprived aliens not eligible to citizenship of the right to lease agricultural land; it prevented a Japanese alien from acting as guardian for a minor, even if born in this country and an American citizen, when his estate consisted of property which the Japanese himself could not hold under the law. It punished every "colorable" transfer of property, made to evade the law; a transfer was presumed to be "colorable" if an American acquired real property when a Japanese furnished the money with which to buy it; or when a corporation acquired real property when a majority of its stock, although held by Americans, was actually paid for with Japanese money.[1]

The second measure provided for a poll tax of ten dollars on male aliens resident in California, and for their registration.[2] This measure was aimed primarily at the Japanese, since, with the possible exception of the Mexicans, they are the largest group of aliens in the state. The Exclusion League was apparently ignorant of the provision of the treaty of 1911, which guarantees that Japanese in this country "shall not be compelled, under any pretext whatever, to pay any charges or taxes other or higher than those that are or may be paid by native citizens or subjects."[3]

[1] 1921 *Calif. Statutes,* pp. lxxxvii–xc.

[2] *Ibid.,* ch. 424, enacted to carry out the constitutional amendment adopted at the polls.

[3] Article I, par. 2, Treaty of 1911, Charles, *op. cit.*

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There was little of general interest in the campaign waged to secure the adoption of these two measures at the polls. The Hearst papers, the Exclusion League, and the American Legion led the movement against the Japanese. The latter organization not only entered vigorously into a political campaign, but it used methods which cannot be too strongly condemned. It sponsored one of the most vicious examples of propaganda ever witnessed in the state—a moving picture, entitled *Shadows of the West.* Graphically illustrating every charge made against the Japanese, this picture depicted a ridiculously mysterious room fitted up with a wireless apparatus by which a head-Japanese ticked out prices which controlled a state-wide vegetable market! It showed Japanese dumping fish and vegetables into harbors in order to keep prices high. Worse still, it invented a Japanese spy system, and it "exposed" the headquarters of a secret government. It did not hesitate to appeal to the deepest instincts of racial prejudice by picturing the abduction of two white girls by Japanese; an attempted assault; and a melodramatic rescue by the "legion boys" after a bloody race war! Furthermore, local posts of the Legion, notably in the Imperial valley, deliberately interfered with meetings conducted by those opposed to the anti-alien land law.[1]

Politicians also profited by the anti-Japanese issue. Candidates for Congress and the Senate could not denounce the Orientals too strongly, because the latter had no votes! The presidential candidates were more restrained—they realized the international issue at stake. Both Mr. Harding and Mr. Cox said the question must be settled by measures "consistent with our national honor."[2]

It was a foregone conclusion that the land law would pass. Leaders of the Exclusion League prophesied that it would carry 9 to 1. Many citizens believed that it would remove the Japanese from the state. Others realized that the land law would not solve California's Japanese problem, because it

[1] *El Centro Progress,* October 23, 1920; *Calexico Chronicle,* October 23, 1920.

[2] "The Japanese Question in the Campaign", *Literary Digest,* Oct. 9, 1920.

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would not necessarily remove any Japanese from the state or even, because of constitutional reasons, drive them off the land. But people nevertheless voted for this law because they felt that if it was defeated, the remainder of the country would believe that California had no grievances against the Japanese. The alien land law measure was in reality, therefore, an exclusion measure. It is safe to say that ninety per cent of the arguments made in the campaign had nothing to do with the Japanese on the land, but with the racial differences between Orient and Occident—which the law in no way remedied. In view of these different circumstances, it is surprising that the land law did not carry by a greater majority than it received. When the votes were counted, it was found that the law had received 668,483 votes, while 222,086 were cast against it.

Thus the last popular demonstration against the Japanese on the Pacific Coast came to an end. But its effects were left upon the state legislature, the members of which had made extravagant anti-Japanese election pledges. This body considered a bill appropriating $50,000 for the purpose of spreading "anti-Japanese" propaganda throughout the country. To the credit of the legislature, it failed to become law. The only definite action taken was the passage of a bill regulating foreign-language schools[1] and several resolutions asking the federal government to bring about the absolute exclusion of Japanese immigration.[2]

The actual attitude of the politicians toward the Japanese was revealed when a bill was introduced barring Japanese from fishing in the coastwise waters of the state. This bill passed the senate by a vote of 30 to 4. But when it came before the assembly a tremendous protest was made, not by Japanese, but by American cannery men who realized that this law would kill the cannery business of the state, which was dependent on Japanese fishermen.[3] As a result of this opposition, the assembly tabled the bill. The legislature previously had passed land

[1] Section 1534, Calif. Pol. Code.

[2] 1921, *Calif. Statutes*, p. 1774.

[3] See *California and the Oriental*, Report of the State Board of Control, p. 96; also *Los Angeles Examiner*, April 17, 1921.

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and other legislation which did no material damage to anyone except the Japanese. But now a measure had come before it which would actually injure American capital. The racial, political and economic "menace" of the Japanese in the fisheries was just as great to the state as was the "menace" of the Japanese in agriculture. Yet the legislature refused to pass any anti-Japanese laws which might hurt the pocketbooks of Americans. Racial antagonism is all right until it becomes expensive—then people choose to be "liberal."

IV

The last chapter in the anti-Japanese movement on the Pacific Coast has been written since the campaign of November, 1920. In the summer of 1921, Japanese contractors under-bid the American Fruit Workers' Union, an organization of "fruit tramps," in the melon fields of Turlock, California. White farmers insisted that the union asked a price they could not afford to pay, and they continued to employ Japanese. On the night of July 18, a band of several hundred white men, by means of motor trucks and with the apparent connivance of the police, aroused 58 Japanese laborers from their beds, placed them on board a freight train, and warned them not to return. Although the mob was armed, no violence was employed, obviously because the Japanese offered no resistance.[1] The Turlock incident was a direct result of the campaigns of incitement against the Japanese which have featured in many California elections. These working men merely carried into action the sentiments which the politicians had limited to talk. The incident shows, moreover, that the means employed by the Pacific Coast to "solve" its Japanese problem merely increase the ill-feeling between the Oriental and the whites, and still further alienate the Japanese from American life.[2]

Within recent months, the futility of these anti-Japanese

[1] *Farmers' Daily Journal,* July 19, 20, 21, 22, 1921; *San Francisco Call,* July 22, 1921.

[2] As to the effect on the relations of Japan and the United States, see R. L. Buell, *The Washington Conference* (1922), p. 362.

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campaigns has been demonstrated from another angle. The state supreme court has declared the alien poll-tax unconstitutional because of the treaty of 1911 with Japan, and the Fourteenth Amendment to the Constitution of the United States.[1] Although federal courts have upheld the constitutionality of the chief provisions of anti-alien land legislation,[2] they have upheld the legality of "croppage contracts" through which Japanese farmers may continue to use California's farm land as long as they and the white owner may wish.[3] The state cannot prohibit such contracts because of the Fourteenth Amendment, which protects aliens and citizens in certain rights.[4] Moreover, the state supreme court has declared unconstitutional the provision of the land law that a Japanese alien cannot serve as a guardian for a minor born in the United States.[5] The land legislation may therefore be evaded through "croppage contracts" and through guardianships. For constitutional reasons, it has been rendered ineffective.

A Solution

As brought out in the last few pages, the fundamental cause for the agitation against the Japanese on the Pacific coast has been the demand for the exclusion of Japanese immigration. The necessity for exclusion is now universally recognized. But the *means* now utilized to enforce exclusion—the Gentlemen's Agreement—is, from the popular standpoint, inherently unsatisfactory. The enforcement of this Agreement, whose very terms, incidentally, are not known to the public, is in the hands of Japan alone. She promises to keep her laborers at home, although non-laboring classes may enter this country. But we are apparently forced to accept Japan's interpretation of what

[1] *Ex parte Terui*, 200 Pac. 954; *Ex parte Kotta*, 200 Pac. 957.

[2] *Terrace v. Thompson*, 274 Fed. 841; *Porterfield v. Webb*, 279 Fed. 114; *Frick v. Webb*, 281 Fed. 407.

[3] *O'Brien v. Webb*, 279 Fed. 117.

[4] *Cf.* Sec. 1977 of the Revised Statutes; *In re Tiburcio Parrott*, 1 Fed. 481, 509; *Truax v. Raich*, 239 U. S. 33; *Coppage v. Kansas*, 236 U. S. 1; *Lem Moon Sing v. the U. S.*, 158 U. S. 538; *Yick Wo. v. Hopkins*, 118 U. S. 356.

[5] *In re Estate and Guardianship of Yano*, Calif. Dec., May 5, 1922, No. 3348, p. 520.

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constitutes a "laborer"; and we are forced to accept every passport issued to Japanese coming to America.[1] We have no means of telling whether Japan is keeping her word; we have no part in enforcing the Agreement. The popular distrust of such a one-sided arrangement, into we have entered with no other nation, is increased with the militaristic nature of Japan's government and its violation of past promises in the Orient.

A good deal of paper has been wasted to prove that emigration of Japanese to the United States has actually declined under the Gentlemen's Agreement. A great deal of paper has been wasted in figuring out the increases of the Japanese population in the United States, and in making absurd deduc-

[1] In a letter to Senator Phelan, May 22, 1916, Secretary of Labor Wilson defended the agreement as follows: "If it is found in any case (and I am glad to say that this department's experience has been that such cases are extremely rare) that a passport to the United States has been issued by Japanese authorities inadvisedly or erroneously, the matter is promptly brought to the attention of the Japanese government through diplomatic channels, with request that proper steps be taken to prevent any recurrence of the mistake. Requests of this sort have always received prompt and careful attention."—*Cong. Record,* vol. 54, pt. I, p. 254. Yet even this statement is an admission that the final authority in the matter is the Japanese government alone.

But apparently Secretary Wilson's Commissioner General of Immigration did not agree with him. In the Report of the Commissioner General of Immigration for 1920, Mr. Caminetti has this to say about the Gentlemen's Agreement: "The too general terms of the agreement itself and the *ex parte* determination by officials of Japan, both in that country and in the United States, of matters arising under its terms, have not been conducive at all times to the production of the results anticipated by both countries when the agreement was conceived. Not only is clarification of the agreement needed if its main purpose in keeping laborers from coming to the United States is to be effected but systematic enforcement thereof by joint administrative effort, not only with relation to the mainland but to our island possessions as well, should be brought about by both nations. Frauds against both would thereby be materially checked if not entirely prevented and the rights of all concerned protected."—*Department of Labor, Annual Reports for 1920,* p. 299.

Before 1917 either the Japanese government or the President of the United States could terminate the Gentlemen's Agreement, with the result that Japanese immigrants could then enter this country as freely as any other immigrants, being subject only to our general immigration laws. But in order to prevent this, Congress inserted a clause in section 3 of the Act of February 5, 1917, which read: "And no alien now in any way excluded from, or prevented from entering the United States shall be admitted to the United States." Thus in the event of the termination of the Agreement by executive action, our immigration officials would have power to exclude the Japanese.

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as to the consequence of such increases.[1] But these mathematical acrobatics don't get anywhere. At present the Japanese constitute only three per cent of the population of California, and they control only two per cent of the farm land in the State. While it is true that their birth rate is three times that of the whites and that when working for themselves, they will accept lower prices than Americans, there is absolutely no racial characteristic which is responsible for either of these traits. If their standard of living is raised by the processes of Americanization, those traits which are due to economic causes will disappear.[2] But at present, the Pacific Coast will have nothing to do with an Americanization program for the Oriental because of the fear that, under the Gentlemen's Agreement, the Japanese population is increasing. And it realizes well enough that it will be impossible to Americanize, even to the slightest extent, a steady stream of Oriental immigrants.

There are four possible ways of "solving" the problem. The first is by amending the terms of the present Gentlemen's Agreement, so as to limit more strictly the classes of Japanese who may enter this country. But mere tinkering with the Gentlemen's Agreement will not alter its fundamental defect—Japan's sole responsibility for administering its terms.

The second is by the passage of a Japanese exclusion law, similar to that which now excludes the Chinese.[3] But an exclusion law would violate the policy which originated with President Roosevelt's stand against such legislation in 1905. Ever since 1911 general immigration bills have contained a clause barring immigrants "ineligible to citizenship", unless already excluded by treaty or agreement.[4] But at Japan's

[1] For a complete statement of the anti-Japanese case, see "Japanese Immigration and Colonization", *Senate Document 55,* 67th Congress, 1st sess.

[2] In Hawaii, the Japanese have a birth rate lower than that of some other races. See the table, *Survey of Education in Hawaii,* Department of the Interior, Bureau of Education, Bulletin No. 16, 1920, p. 15. See also *Immigration Commission Reports,* vol. 28, "The Fecundity of Immigrant Women", pp. 146, 805; Commons, *Races and Immigrants in America* (1904), p. 203.

[3] *Cf.* Chinese Restriction Act of 1882, 22 Stat. 61, and Act of 1904, 33 Stat. 394.

[4] See statement by W. W. Hubbard, Commissioner General of Immigration, in Jenks and Lauck, *The Immigration Problem* (1922), p. 434.

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protest against the mere use of these delicate words, although they did not change the status of Japanese immigration, they have always been dropped. In the immigration bill introduced into Congress on March 30, 1916 (H. R. 10384) there was a provision which would exclude Hindus and persons who cannot become eligible to citizenship "unless otherwise provided for by existing agreements as to passports or by existing treaties, conventions or agreements, or by treaties, conventions, or agreements that may hereafter be entered into."[1] But the Japanese government again protested against the use of the words "ineligible to citizenship."[2] And as a result, the final act of February 5, 1917, omitted this clause and substituted for it the "Barred Zone" provision, which excludes aliens from within certain degrees of latitude and longitude.[3] Amendments proposed by Senators Phelan and Poindexter barring "picture brides" and aliens ineligible for citizenship were rejected for the same reason.

Apparently indifferent or oblivious to this policy, the House Committee on Immigration has virtually written an exclusion law into the new immigration bill.[4] On February 5, 1923 this committee adopted a plan which would exclude all immigrants "not eligible to citizenship", with the exception of a few specified classes such as government employees and tourists. This measure goes much farther than the original immigration bill of March, 1916. It not only uses the phrase "not eligible to citizenship" but it actually excludes Japanese, when hitherto they have been excepted because of an "existing agreement" covering their immigration. In other words, it is a Japanese exclusion law. If enacted, it would be a violation of the treaty with Japan of 1911. Article I of this treaty says that the citizens and subjects of each of the high contracting parties shall

[1] See *H. R. Reports,* vol. I, no. 95, 64th Cong., 1st sess., January 13, 1916. Also letter of Secretary of Labor Wilson, May 22, 1916, *Cong. Record,* vol. 54, p. 254.

[2] New York *Times,* Feb. 8, 1916; April 22, 1916; April 25, 1916.

[3] *Senate Reports,* vol. II, no. 352, April 17, 1916; 39 Stat. Ch. 29, sec. 3, p. 876.

[4] *Cf.* H. R. 12237, 67th Cong., 2nd sess.; New York *Times,* February 6, 1923.

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have liberty to enter, travel and reside in the territories of the other. Laborers are not excepted from this rule, as they were in the treaty of 1894. The treaty of 1911 is merely accompanied by a Declaration in which Japan promises to continue the Gentlemen's Agreement in force.[1] An exclusion law would certainly violate the terms of this treaty, granting Japanese liberty to enter and reside in this country, as long as the treaty is in existence.

An exclusion law would be an affront to the Japanese people, who are racially self-conscious to a much greater extent than Anglo-Saxons; it would be a weapon in the hands of the Japanese military party and might be used to convince the Japanese people that American "liberalism" is meant, not for the colored races, but for the Nordics alone. At the Paris Peace Conference, the American Delegation was partly responsible for the defeat of a "racial equality" clause which the Japanese representatives proposed for incorporation in the Covenant of the League of Nations. This clause would guarantee "to all alien nationals of States Members of the League, equal and just treatment in every respect, making no distinctions, either in law or fact, on account of their race or nationality."[2] Despite the fact that this clause could easily be interpreted to have nothing to do with immigration, it was defeated principally by the United States. But because of this position, the American delegation could not very well hold out against Japan's claims to Shantung. Having defeated Japan's claim to racial equality, the American delegation was forced to make concessions elsewhere. In a similar manner, the Japanese government may use an exclusion law to secure concessions from us in its foreign policy. In 1913 and 1914 Japan protested vigorously against a state discrimination—the California Land Law. But if an exclusion law is enacted, similar to the one which the House Committee has just proposed, the discrimination becomes national, and Japan's basis for a protest will become greater than ever. If there is any possible means of avoiding

[1] Charles, *Treaties and Conventions of the U. S.*, p. 82.

[2] R. S. Baker, *Woodrow Wilson and World Settlement* (1922), vol. II, p. 234.

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it, the United States cannot afford to jeopardize the good feeling established at the Washington Conference between Japan and America, by the passage of this legislation.

A third means of "remedying" the evils of Japanese immigration would be by applying the principles of our "percentage" legislation to the Japanese. According to the Immigration Restriction Act of May 19, the number of immigrants of any nationality who may be admitted to the United States in any fiscal year is limited to three per cent of the number of foreign-born persons of such nationality resident in the United States, as determined by the census of 1910. But the provisions of this Act do not apply to "aliens from countries immigration from which is regulated in accordance with treaties or agreements relating solely to immigration"—in other words, immigration from Japan.[1]

This exception was apparently made because of the belief that the Gentleman's Agreement more effectively excludes the Japanese than would the three per cent restriction. But this has not proved to be true. In 1910, there were 67,744 foreign-born Japanese in continental United States and 59,786 in Hawaii—a total of 127,530,[2] three per cent of which would be 3826, the number of Japanese eligible to admission if the Percentage Act applied to them.[3] But under the Gentlemen's Agreement, 9279 Japanese were admitted in 1920 and 7531 in 1921,[4] or twice the number that would be admitted under a general Restriction Act.

In the bill adopted by the House Committee in February, 1923, it was proposed to adopt the census of 1890 as a basis, and to admit only two per cent of the numbers here, as based

[1] *U. S. Statutes,* 67th Congress, 1st sess., ch. 8, sec. 2 (5).

[2] *U. S. Census, 1910,* vol. I, p. 781; vol. III, p. 1160.

[3] The Act of May 19, 1921 defines the United States so as to include any waters, territories, or other places subject to its jurisdiction, except the Canal Zone and the Philippines. But if the Act had been intended to apply to the Japanese, Hawaii would have doubtless been also excluded, because of the excessive number of Japanese there. If the population only of the foreign-born Japanese in continental United States were considered, the number who could be admitted annually would be 2032 instead of 3826.

[4] *Statistical Abstract of the U. S., 1921,* p. 107.

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on that census. If this plan should be extended to the Japanese, they would be excluded nearly as effectually as under an exclusion law. In 1890 there were only 2292 persons in this country who had been born in Japan, two per cent of which number would be forty-six[1]—surely not much of a Yellow Peril! The advantage of applying the percentage plan to the Japanese is that it would be non-discriminatory; the Japanese would be on exactly the same basis as the European immigrant.[2] But this type of immigration restriction is not likely to be permanent; manufacturers and capitalists are already demanding freer immigration of European laborers. If Congress is induced to let down the bars in this respect, the question of Japanese exclusion would again arise.

The best means, therefore, of handling this question is through a treaty. An exclusion treaty would accomplish the same end as an exclusion law, but without offense to Japan. A treaty is a bilateral agreement; it is brought about by the joint and friendly discussion of two governments. If made reciprocal, an exclusion treaty would be non-discriminatory. It should apply to American labor wishing to go to Japan and Japanese labor wishing to come to America. This treaty should guarantee to Japanese residents already in this country most-favored-nation treatment in all *civil* rights, and make them eligible to American citizenship on the same basis as any other aliens.[3] Japanese born in this country are already citizens under the fourteenth amendment. If Japanese immigration is effectively prohibited in the future no conceivable danger would arise from giving the vote to a few thousand additional Japanese.[4] The concession of such a privilege would be added

[1] *U. S. Census, 1890,* vol. I, p. 609.

[2] A similar plan was originally suggested by Dr. S. L. Gulick, *The American Japanese Problem* (1914), ch. xvii.

[3] The British Empire has solved the question of Hindu immigration on somewhat the same basis as this. Each dominion may exclude Hindus; but once they are admitted, they should be granted citizenship. See *Work of the Prime Ministers, Official Report; Transactions of the Imperial Conference, 1921;* "Position of British Indians in the Empire", *Round Table,* no. 44, p. 756.

[4] The Japanese population in continental United States in 1920 (*U. S. Census, 1920,* vol. III, p. 11) was 111,010. But this included American-born Japanese,

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incentive for them to adapt themselves to American life.[1] But the greatest advantage of such a concession is that it would prove to the Japanese people that we insist on exclusion, not because of racial inferiority, but because of racial difference.

The treaty of 1911 was negotiated only for a period of twelve years. It will therefore expire on July 17, 1923; and negotiations of some sort must shortly take place.[2] If the American State Department should attempt to negotiate such a treaty, it is practically certain that it would now meet with the approval of Japan. Such a treaty would meet Japan's objection against discrimination. And the Japanese government would doubtless realize that if it refused to agree to such a treaty, Congress would probably pass an exclusion law, which is the last thing the Japanese desire.

minors and others who could not meet the general naturalization tests, or who would not choose to become naturalized. In California there were 47,566 Japanese over twenty-one in 1920 (*ibid.*, p. 128); but it is doubtful if half of them would become citizens if eligible.

[1] On the question of assimilation, see L. Aubert, *Américains et Japonais*, (1908), ch. iv.

[2] Article XVII, Treaty of 1911.

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EARLY AMERICAN POLICY IN KOREA, 1883–7[1]

The Services of Lieutenant George C. Foulk

THE historical question with reference to Korea uppermost in contemporary interest is: Why did the American Government betray Korea to Japan?[2] The immediate answer is that the United States did nothing of the sort. The wide prevalency of the belief that the American Government was guilty of bad faith is in itself a sufficient reason for this study and broadly indicative of the general lack of

[1] The primary sources are as follows: The Foulk Papers (N. Y. Public Library) which include letter-press copies or transcripts of practically all of Foulk's reports and despatches to the Secretary of the Navy and the Department of State from the time of his appointment until his recall, private letters from W. W. Rockhill, Hugh A. Dinsmore, H. N. Allen and brother naval officers, and private memoranda; the Shufeldt Papers (Library of Navy Department) which are unfortunately very deficient for the years after 1883; the contemporary despatches and instructions in the Department of State Archives for Korea, China and Japan. The State Department records are not essential for the following pages because of the nature of the Foulk Papers but are valuable in supplying the diplomatic background in Far Eastern politics.

The secondary sources are very meager, inadequate and, in the main, untrustworthy either because of their partisan character or because of their insufficient purview of facts. The titles appear in the following footnotes.

For an adequate understanding of the Korean policy it will be well to compare it, year by year, with the contemporary policy in the Hawaiian and the Samoan Islands, noting especially the discussions in Congress. Such a comparison does not form a part of this paper.

[2] This insinuation, or assertion, is found in a number of recent books as well as in the literature prepared and circulated by the Korean patriots since the World War. Arthur J. Brown, *The Mastery of the Far East* (N. Y., 1919), p. 199; F. A. McKenzie, *The Tragedy of Korea* (London, 1908), p. 312; McKenzie's *Korea's Fight for Freedom* (N. Y., Chicago, etc., 1920), p. 22; Thomas F. Millard, *The New Far East* (N. Y., 1906), chap. v; Homer B. Hulbert, *The Passing of Korea* (N. Y., 1906), chap. v, particularly pp. 222-3; Henry Chung, *The Oriental Policy of the United States* (N. Y., Chicago, etc., 1919), p. 31; Chung's *The Case of Korea* (N. Y., Chicago, etc., 1921), p. 38.

The claim rests upon the "good offices" clause in the Korea-U. S. treaty of 1882. It is quite without basis either in the history of the clause in that treaty or in international law. *Cf.* Wheaton's *Digest,* 2nd ed. (1887), I, p. 64; Moore's *Digest,* V, p. 571; for history of the treaty clause and its application in the East, see Tyler Dennett, *Journal of International Law,* Jan. 1922.

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authentic information on early American policy in the peninsula.[1]

It is quite impossible to separate the earlier from the later phases of American policy in Korea and there is very great need for a closer study of the details than has hitherto been possible. There is no phase of Far-Eastern diplomatic history where generalizations are fraught with so much difficulty. In this essay we assume a knowledge of the circumstances under which Commodore R. W. Shufeldt[2] opened Korea to the Western world in 1882, and the events in China, Japan and Korea of the following year, confining ourselves strictly to the next four years (1883–7) during which more or less orderly diplomatic relations were established.

The contest for the control of Korea was latent from the time of the opening of Japan. It became evident immediately after the Japanese Restoration, and the first stage of the contest may be said to have been concluded in a Japanese victory in 1876 when Korea was led to acknowledge in a treaty with Japan that the peninsula, "being an independent state, enjoys the same sovereign rights as does Japan". The second stage of the conflict opened with the signing of the Shufeldt treaty in which the independence of Korea, so far as concerned foreign relations, was assumed by the American Government. By thus endorsing the contentions of Japan the United States became in a measure a fourth interested party in the Korean peninsula, the other three being China, Japan and the Koreans themselves. About the same time two other interests appeared.

[1] Assumptions of similar American bad faith in China are also common, and equally unfounded. *Senate Hearings on Versailles Treaty*, S. Doc. 106, 66-1, pp. 626-7.

Much of this ignorance about Korea is due to the fact that so little of the diplomatic correspondence was published in *Foreign Relations*. The reason for this omission will, in part, appear in the following pages.

[2] For the Shufeldt Mission see C. O. Paullin, *The Diplomatic Negotiations of American Naval Officers* (1912), pp. 282-328; and Tyler Dennett, *Americans in Eastern Asia* (1922), chap. xxiv. The present paper is designed to be supplementary to the writer's *Americans in Eastern Asia* (1922), pp. 478-481, and supplies in detail the documentary evidence upon which conclusions in that book are based; nearly all of the material cited in the following pages is from manuscript sources hitherto unpublished.

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Great Britain, becoming alarmed for fear that Korea completely severed from China would the more easily fall into the hands of her European rival, Russia, and perhaps not unwilling to cultivate Chinese favor and distract Chinese attention to the northeast while British interests were being served in Burmah and westward, immediately adopted a subtle yet none the less energetic policy, working from Peking and especially through Li Hung Chang. In 1882 it would appear that England was even more interested in the Korean question than were the Chinese. From such evidence as is available England appears to have been the initial arch-conspirator. However it was the United States which in fact precipitated the problem by ratifying the naïve diplomacy of the Shufeldt treaty. Russia, on the other hand, did not show her hand until about 1885, although it had been expected for at least six years that Russia would soon exhibit territorial designs on Korea.[1] Therefore, in reviewing the first few years of American relations with Korea we have as a background a five-cornered contest of China, Great Britain, Russia, Japan and Korea for the direct or indirect control of this strategic territory. It is also important to keep in mind that the line-up of the powers was constantly changing. England took up China, used her, and then dropped her for Japan; Russia began by opposing England and twenty years later worked a reconciliation with England and then with Japan, always to the disadvantage of China. The only constant factor was the growing animosity between Japan and China.

The key to the interpretation of American policy is the fact that always each of the contesting parties was seeking to involve the American government in some obligation or disposition to support its peculiar and individual claim for the

[1] "The impression is strengthening here that even if Russia does not become involved in war with China [when Marquis Tseng was in St. Petersburg settling the Kuldja affair] she will hardly disperse the large fleet which she has in these waters commanded by these admirals without making some demonstration in Corea, either to open the country or gain possession of Port Lazareff. . . . It is generally believed that Russia will in the end gain some important addition to her territory in Asia."—J. B. Angell to Secretary of State, Oct. 11, 1880. China Desp. 55 (Dept. of State).

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peninsula.[1] Seoul was the most slippery spot in which any American diplomat ever had to keep his feet and it is not greatly to the discredit of American representatives that few of them were wholly successful. Other features to be borne in mind are: the rapid rise, after 1882, of American prejudice against Chinese immigration to the United States, which operated to prejudice all Chinese claims of every sort; constantly recurring anti-missionary outbreaks in China, which supplied another element of anti-Chinese prejudice in the United States; the rapid increase of American trade with Japan, and the sympathy aroused by Japan in her efforts to revise the onerous treaties. The sympathy which in the United States can usually be reckoned on for the under-dog counted heavily for Japan in the last quarter of the last century just as it now counts for the impotent Chinese Republic.

The Americans primarily related to the first five years of American policy in Korea were: the Secretaries of State—Blaine, Frelinguysen and Bayard; the regularly appointed diplomatic representatives in Seoul—Lucius C. Foote, William H. Howard and Hugh A. Dinsmore.[2] It does not appear that Presidents Garfield and Arthur exercised any important influence on events but there are traces of Cleveland's cautious influence in 1887. Of greater actual importance than the contributions of any of these individuals already mentioned were those of Ensign George Clayton Foulk.[3] Foulk's service began in the autumn of 1883 when he was assigned as one of the two escort officers to the Korean Embassy which visited the United

[1] Broadly similar situations were encountered by American diplomats in this period in Honolulu and Samoa.

[2] Howard's services were negligible. The importance of Dinsmore's service lies in the fact that upon his return to the United States at the end of the first Cleveland administration he re-entered Congress and in 1898 presented the House minority report on the annexation of the Hawaiian Islands. He could speak with conviction on the dangers of foreign entanglements. Mention ought also to be made of W. W. Rockhill, then a second secretary at the Legation at Peking, who in the winter of 1886-7 was hurried to Seoul to act as Chargé d'Affaires before the arrival of Dinsmore. Rockhill thus became intimately familiar with the political situation.

[3] Raised to Lieutenant shortly after his arrival in Korea.

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States in that year. It was continued when Foulk was appointed Naval Attaché at Seoul, where he entered upon his duties in June, 1884, and was concluded in June, 1887, when he was recalled and ordered to report to his superior naval officer at the reiterated demand of Li Hung Chang and Yuan Shi Kai. In the interval Foulk had actually served as Chargé for nearly two years and throughout the period he was in fact, when not in name, the primary American diplomatic representative in Korea. Interest in Foulk is heightened by the fact that he was about the same age as his great antagonist, Yuan Shi Kai, both being less than thirty years old. One might also compare him with two equally youthful British diplomats, Thomas H. Wade and Harry Parkes, who unlike Foulk were appreciated by their government, retained and promoted in the service and at last elevated to great honor among their countrymen. Foulk under the British flag would doubtless have had a similarly distinguished career, but under the American system in the eighties he was discarded like an old shoe; and a few years later, the victim of his own chosen isolation as well as of the ingratitude of his government, died in Japan, perhaps with a broken heart. So much romantic interest attaches to Foulk that it is only with reluctance that we turn from this phase of his career to its purely diplomatic and political aspects.

We are left only slightly in conjecture as to the manner in which Foulk came into his position of importance in Korea. The ostensible purpose of the visit of the Korean Embassy to the United States was the exchange of courtesies and the investigation of Western civilization. There was, however, probably, an ulterior motive. The mission was headed by Min Yong Ik, a close relative of the energetic Queen who led at that time the pro-Chinese faction in Korean politics. It is probable, therefore, that the selection of Min Yong Ik for the mission indicated that Li Hung Chang was making a second effort to involve the United States in support of the Chinese claim to suzerainty over the peninsula.[1]

[1] The Viceroy's first effort had been in the negotiating of the treaty with Shufeldt when he wanted the latter to accept a clause in the treaty stating that

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This suspicion appears the more reasonable when we find that Min Yong Ik soon after his arrival in Washington began to make inquiries of Frelinghuysen for some American advisers for the Korean Government.[1] What Li Hung Chang and the Min family, wanted at that time, were advisers who would advise the willful King to put his trust in China. Most of the exchanges between the Embassy and the Department of State appear to have been verbal and so far as the latter was concerned appear to have been intended merely as pleasant conversation. There is no evidence that Frelinghuysen was conscious of the scheme which lay behind the request, and he appears to have assured the Koreans that the Americans would be only too happy to oblige. Min Yong Ik also approached Shufeldt directly on the subject, and in response to an invitation to become an adviser in Korea the Admiral made a proposition which was transmitted to the King and immediately accepted.[2] When the Korean Embassy departed from the United States it

Korea was a dependency of China but had at length been content with a letter from the King of Korea to the President of the United States acknowledging a qualified independence.—Dennett, *Americans in Eastern Asia,* chap. xxiv.

[1] At the time of the visit of the Embassy the Shufeldt treaty still lay unratified in the hands of the Foreign Relations Committee of the Senate. Had more thorough inquiry been made it would have been discovered that the accompanying letter from the King, which had evidently been dictated by Li Hung Chang, was the clue to a very complicated political situation in the Far East. But the letter appears to have excited little interest and no significance was attached to it at the time. The only question it raised was as to whether the Koreans would come under the new Chinese exclusion law if they were dependent upon China. It was decided to ignore the letter and the text was never officially published, although it appears in the *Congressional Record,* Aug. 31, 1888, pp. 813 *et seq.,* incorporated in the remarks of Senator Mitchell of Oregon. Before the treaty was ratified, Min Yong Ik had set out upon his return to Korea and he did not know, when asking for American advisers, that the United States was not going to support the claims of Li Hung Chang.

[2] "It is with great pleasure that I write you of the favorable acceptance of your Corean proposition. I laid the matter before Hong Chan Pan and he brought it to His Majesty's notice. There is now offered you, if you choose to accept it, a position in the government. The exact office has not been fixed. I can only say that it will be high and that in the present state of this land just opening to the West, it will only depend on you to make it as important as you please. You are as highly thought of here as you could possibly desire and will be cordially welcomed. . . ." — Percival Lowell to Shufeldt, Jan. 24, 1884 (Shufeldt Papers).

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was the expectation of the Koreans that Admiral Shufeldt would shortly go to Korea as political adviser and probably as director of military and naval affairs, but Shufeldt did not arrive until late in 1886 and never entered Korean service.[1]

Pursuant to these verbal requests and subsequent formal ones made by the Korean Government and the King, a considerable number of Americans, in the course of the next six or eight years, went to Korea and associated themselves with the government in various capacities, civil, educational and military. But the delay in their arrival, and in many cases their proven incapacities, largely defeated the ulterior purpose of their invitations.

The only immediate result of the visit of the Korean Embassy was the appointment, at the request of Min Yong Ik, of Ensign Foulk to Seoul in the capacity of Naval Attaché. There was at that time no American Naval Attaché in either Peking or Tokio; presumably the post was created for Seoul in order that Foulk might be provided with a reason for living in Korea as the Embassy had officially requested. His instructions from the Department of State and from the Navy Department enlarged his duties to include reports on the possibil-

[1] This overture to Shufeldt from Min Yong Ik requires some comment. If it was made with Li Hung Chang's approval it would appear that the Viceroy had not actually been so annoyed by the famous letter to Senator A. A. Sargent as has been supposed. This is supported by a letter from O. N. Denny, Consul General at Shanghai, to Shufeldt, June 26, 1882, in which Denny wrote: "The Viceroy in a letter to me asks after you very kindly. I am of the opinion from what I hear that your letter has increased his respect for you rather than otherwise, for it is just what he has been telling his government as to China's 'war power' etc. He asked me if you would come back to China and if the Corean treaty was satisfactory to you, etc." (Shufeldt Papers). This is quite in keeping with Li Hung Chang's character. He did not appear to take seriously even the anti-Chinese agitation in the United States, except when an appearance of injury served his purpose in diplomatic negotiations.

It is, however, possible that Li Hung Chang did not know that Shufeldt was to be invited to Korea and that in this as in many subsequent matters the King acted on his own initiative. At any rate, when Shufeldt actually reached Seoul, Li Hung Chang was so much opposed to his presence there that he urgently requested the American Government to require him to leave. Shufeldt consistently opposed the Chinese claims to suzerainty, acting, of course, merely as a private citizen, for he had already retired from the Navy.

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ities of American trade, which were then supposed to be very large. Frelinghuysen also wrote: [1]

> It is not doubted that you will endeavor to maintain the best possible relations with the Chosenese Government and people, especially should you respond to any call they may make for your professional advice in matters of nautical education and kindred topics with which you are familiar, whenever the performance of such duties may not involve your actually taking official service under Corea.

The Embassy, escorted by Foulk, sailed from New York on the return voyage on the U. S. S. *Trenton*, Dec. 1, 1883. Another section of the Embassy, under the care of Percival Lowell had already started for San Francisco where it embarked in a passenger ship. The *Trenton* stopped at Marseilles, allowing the party to make brief visits to Paris and London, and then proceeded by way of the Suez Canal.[2] With much zest Foulk took up the study of Korean and made rapid progress in the language as he also did in the confidence and affections of his charges. Before he left Korea three years later he had the best knowledge of the language possessed by any foreigner at that time, and doubtless this attainment contributed very much to the influence he had in the government and over the King. The party arrived at Seoul on June 7, 1884.

Soon after his arrival Foulk took up residence in a house provided for him by Min Yong Ik and others in the heart of the city, easily accessible to most of the government officials,

[1] Korea Instructions, Vol. 1, Nov. 12, 1883 (Dept. of State).

[2] In a long letter to Shufeldt, dated Port Said, Feb. 26, 1884, Foulk described the tour of the Embassy. In Paris the Swiss consul called and tried to explain to the Koreans the superior advantages of Swiss watches. In London the Japanese minister rather ungraciously charged that Korea was really acting like a dependency of China. In the United States there had been some fear expressed that the effect of the visit to Europe might be to dull somewhat the vivid impressions which the Embassy had received in America. The contrary was the result, wrote Foulk. When they saw the "presents" from the Indian princes in the London museums and took note of the loot which had been taken in 1860 from the Summer Palace in Peking, they were very much impressed, and when Foulk read to them out of an encyclopedia, without embellishment, the story of the debts of Egypt, they were still further drawn towards the Americans. (Shufeldt Papers.)

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"who visited it in great numbers for advice and information."[1] This intimacy with the Korean officials, coupled with the declared policy of his government not to encourage the claims of Chinese suzerainty, made Foulk an object of suspicion on the part of Li Hung Chang and the pro-Chinese Korean party. On the other hand, Foulk's sympathy with Korean aspirations for *de facto* as well as *de jure* independence commended him strongly to the King, who, unlike the Queen at that time, was wholly opposed to the dictatorial attitude which the Chinese had begun to take in the peninsula. The contest quickly resolved itself into a conflict between Li Hung Chang on the one hand and the King on the other, with the Japanese standing quietly by, waiting for an opportune moment to advance their interests at any convenient point. For the time being the Japanese looked with sympathy upon the party led by the King which sought real independence. Russian policy was similar. The effect of this combination, therefore, was to range Foulk not only on the side of the King but also on the side of the Japanese and the Russians and against the Chinese and the British. In spite of its technical neutrality, this was, in effect, the policy also of the American Government.

The political situation at Seoul was already almost hopelessly tangled when Foulk took up his residence there. Li Hung Chang, never quite sure of American support, had sent to Korea as his personal representative P. G. von Mollendorff, who had had a previously checkered career in the German consulates and in the Chinese Maritime Customs. The Viceroy had Mollendorff installed as superintendent of Korean Customs and also vice-president of the Foreign Office, thus hoping to control both foreign and fiscal affairs. Mollendorff turned out to be an unscrupulous bully who betrayed the Viceroy as well as the Koreans. Meanwhile the King, greatly pleased and encouraged by the reception accorded his embassy in the United States, by the ratification of the Shufeldt treaty, and by the creation of an American diplomatic post at Seoul

[1] Foulk to W. E. Chandler, Secretary of the Navy, Dec. 23, 1884 (Officers' Letters for that date: Navy Dept. Archives).

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equal to those at Peking and Tokio,[1] was already opposing in a fitful way the domination of the Chinese. Min Yong Ik, although apparently impressed with the experiences of his recent visit abroad, returned to Korea a declared conservative.[2] He took the side of the ex-Regent, the famous Tai Wen Kun, which was also the side of Li Hung Chang. Consequently, notwithstanding the fact that Foulk and Min Yong Ik had become fast friends during their close association, the former found that it was the other members of the Embassy and more especially some Korean students who had recently returned from Japan who were really the progressive force in Korean politics. The situation was still further complicated by the outbreak of the Franco-Chinese War at the end of August, 1884. There were rumors that the Koreans would be called upon to provide troops to assist China against France. The war had the effect of distracting Chinese attention and reducing Chinese influence in the peninsula. This situation provided the Japanese with the opportunity for which they had been quietly waiting. Less than two months after the war began the Japanese Minister at Seoul began to press for additional concessions in Korea equal to those which the Chinese had already secured. These were granted. The Japanese then demanded that the King officially declare his independence of China.[3] Affairs matured very rapidly in the autumn of 1884 and culminated in the famous *coup d'état* of Dec. 4, in which the Korean progressive party, certainly aided and perhaps instigated by the Japanese Legation, attempted the assassination of

[1] Lucius H. Foote arrived in Seoul as Minister Plenipotentiary and Envoy Extraordinary May 24, 1883.

[2] Percival Lowell in "A Korean *Coup d'État*", *Atlantic Monthly*, Nov. 1886, describes Min Yong Ik as a "seclusionist" and an "exclusionist". While it is true that he often took the side of the Chinese and appeared to be working for the exclusion of the foreigners, his course in subsequent years was a wavering one and by no means wholly committed to exclusion. In 1887 when Li Hung Chang, Yuan Shi Kai and the Foreign Office were demanding the recall of Foulk or his expulsion, Min joined with the King in more than one request for Foulk to remain.

[3] For the events leading up to the *coup d'état* of Dec. 4, 1884, I am following Ariga Nagao, a highly honored Japanese historian, in Alfred Stead, *Japan by the Japanese* (London, 1904), pp. 189 *et seq.*

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the pro-Chinese, conservative Min Yong Ik, with a view to seizing the King and excluding Chinese influence from Korean politics. It is probable that the Korean conspirators did not realize the extent to which the Japanese were making use of their patriotic efforts.[1] For twenty-four hours it appeared that the conspirators had met with success. Min Yong Ik, however, escaped death by a narrow margin, but his wounds had been so serious that he never recovered his full physical and mental vigor and showed signs of what to Foulk appeared to be insanity. The King summoned a Japanese guard, which had been part of the plot, and while practically a prisoner in its hands issued several orders for widespread reforms, granted to the Japanese an important railway concession from Fusan to Seoul, and even declared his independence of China. The next day, however, the Chinese troops appeared and rescued the King. The Japanese (there were only 130 of them) escaped to Chemulpo and thence to Japan. The Chinese quickly restored the *status quo ante* but permitted the Japanese envoy to return to Seoul a month later to negotiate a settlement for the attack which had been made upon the Japanese by the counter-revolutionary mob. The Chinese authorities watched the negotiations and advised Korea to make the settlement which included apologies, payment of 110,000 yen, the rebuilding of the Japanese Legation, which had been burned by the mob, and the erection of barracks for the Japanese legation guard. This was signed Jan. 9, 1885.

[1] In addition to Ariga Nagao's account of this affair there is McKenzie *Korea's Fight for Freedom,* pp. 29 et seq., which is also drawn from Japanese sources as well as from one of the Korean conspirators. Percival Lowell's *Atlantic Monthly* article is evidently based upon contemporary Japanese explanations of the affair, and is not very trustworthy. Likewise Foulk's report of the episode in *Foreign Relations,* 1885, pp. 355 et seq., while accurate as to the facts so far as it goes, fails to mention the Japanese complicity. This is the only known instance where Foulk failed to make a completely accurate report and is doubtless due to his brief experience in the country and to the fact that he had been absent for several weeks in the interior. Foulk, however, before his departure from Seoul, had made a verbal report to Foote in which he had expressed the opinion that some sort of very serious plot was brewing. Foote did not treat the report seriously; in fact he laughed at it (Foulk Papers, especially a sixteen-page memorandum by Foulk in the form of a journal from the last week in April to July 2, 1887).

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Presumably it was the intention of the Japanese to follow up the advantage thus gained while China was in the midst of war with a demand for an unqualified statement from China on Korean independence such as was actually obtained ten years later in the Treaty of Shimonoseki. But almost before the negotiations between Ito and Li Hung Chang began at Tientsin in April, 1885, the Franco-Chinese War ended in a partial victory for China and Ito had to be content with a treaty in which China accepted the Japanese rights in Korea as equal to its own.

The two and one-half years following the *coup d'état* were the critical years in Korean affairs so far as concerns American policy. The American Government never departed from the course which was worked out in these perplexing months.

Late in December, 1884, Mr. Foote appointed Foulk acting minister, a commission which was soon formally changed to that of Chargé d'Affaires, and left Seoul. As soon as the treaty of January 9 was signed, Foote sailed for the United States. Foulk became the sole diplomatic and consular representative of his government in the peninsula for the next eighteen months.[1] One of the reasons leading Foote to resign was that the salary, $5,000, was inadequate to the expenses of the post, and that the Government was unwilling to authorize the the salary of a secretary of legation. Foulk's position became

[1] The Diplomatic and Consular Act of July 7, 1884, had reduced the rank of the post at Seoul to that of Minister Resident and Consul General. Mr. Foote, upon being informed of his reduction in dignity, resigned. The Department of State requested him to take his departure on leave so that it would not be necessary to explain to the Koreans that the post had been reduced. It was feared that the King would not be pleased to have the rank reduced. Foote therefore departed as though he were merely going on leave.

This reduction of rank is significant in American policy. The position appears to have been created somewhat hastily in January or February, 1883, when little was known about Korea. The fact that the salary was not reduced leads one to suspect that here was an indication that the American Government was reconsidering its policy and showing a disposition to seek a less conspicuous rôle. The fact that not even a Minister Resident appeared at Seoul for another year and one-half and that the diplomatic duties were left entirely to Foulk is further indication that the United States was seeking to avoid the assumption of influence which the King and other interested parties were seeking to thrust upon it.

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even more difficult, for he was without private means and was limited to the salary of a Chargé d'Affaires; furthermore, the appropriations for the diplomatic service for the year 1884–5 became exhausted before the new appropriations were authorized and to Foulk's dismay as well as to the most serious damage to his credit, two of his drafts on the department, amounting to more than $1200, were returned unhonored. The position of the American representative at Seoul became positively ignominious. Foulk could not even meet his barest personal expenses, much less support in a social way the dignity of the post. And yet Foulk found himself thrust into a position of transcendent influence. The following two and one-half years deserve the attention of the novelist as well as of the historian.

The next chapter in the drama reveals the hand of Russia. Immediately after the *coup d'état* of December fourth, Mollendorff embarked upon some private ventures in diplomacy the inauguration of which may have been unknown even to his patron Li Hung Chang. Had they been successful they would have hastened history by many years. Without the knowledge of the King or of his superior officer in the Foreign Office, Mollendorff entered into an agreement with Russia by which Korea was made to request and Russia agreed to supply a large number of drill-masters for the Korean army.[1] There is some reason for supposing that Korea was also committed to the leasing of Port Lazareff on Broughton's Bay to the Russians for a winter naval base when Vladivostok was closed by ice. Indeed the alleged plan fell nothing short of a Russian protectorate over the peninsula. It appears to have been the news of this secret agreement rather than more general fears of Russian aggression which induced Great Britain to seize Port Hamilton April 15, 1885.[2]

[1] The Foulk Papers reveal the nature of this plan for drill-masters. Another version, perhaps less accurate, including an alleged secret treaty with Russia, was exposed in the *North China Daily News*, Aug. 5, 1885.

[2] *The Port Hamilton Correspondence, China, No. 1*, Command Papers 4976, 5053, indicates that Port Hamilton as a possible naval base had been under consideration for several years but no hint is given of the Mollendorff agreement as having been the immediate cause of the occupation.

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The first official information of the Mollendorff negotiations was conveyed to the Korean Government with the arrival of Alexis de Speyer, Secretary of the Russian Legation at Tokio, who reached Seoul late in June, 1885. He demanded that the King confirm the agreement and that the government make suitable preparations for receiving the drill-masters. During the somewhat tempestuous conferences which followed Foulk appears to have been the confidential adviser of the Foreign office and the King. He was supplied with the minutes of the conversations as they took place and transmitted them to Washington. The American Government might be presumed to be directly interested, for the King had already officially requested the United States to send three American army officers to drill the Korean troops and in anticipation of their arrival had purchased from an American firm a considerable amount of arms and ammunition.[1] Russia proposed to send not three officers but more than one hundred, and when the Minister of Foreign Affairs stated to Speyer that Korea had already requested the United States for this help the Russian agent replied in language which there is reason to believe has been repeated, substantially, many times in the East since then: "Even though you break with America there is no loss; but if you do with Russia, trouble lies directly before your eyes".[2]

The Russian agent was unable to accomplish his purpose and left Seoul in disgust. Shortly afterwards Russia sent to Korea a diplomatic representative of very different disposition and inaugurated a policy of conciliation similar to that which had introduced Russian relations with China. Foulk demanded the dismissal of Mollendorff, who had always been very unfriendly to Americans. Shortly afterwards Li Hung Chang selected O. H. Denny, an American formerly in the consular service at Tientsin and Shanghai, as his personal representative to replace Mollendorff, and the King of Korea, because Denny was an American and approved by Foulk, was willing to accept him.[3]

[1] *H. Ex. Doc. 163*, 48-2; *Cong. Record*, 49-1, pp. 604, 1080, 1721.

[2] Foulk Papers: Memo. of Speyer-Foreign Office conversation, June 24, 1885.

[3] Denny did not reach Korea until Feb. 26, 1886.

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Meanwhile the Korean customs were put under the supervision of Sir Robert Hart, and H. F. Merrill, another American who had a distinguished service in the Chinese Maritime Customs, was sent to take charge. Merrill was clearly charged by Hart to work for the annexation of Korea by China.[1] Denny was expected to render a similar service for China but Li Hung Chang had also sent to Korea the youthful Yuan Shi Kai, twenty-six years old, as Chinese resident with undefined but apparently unlimited powers, and between Denny and Yuan there came a jealousy which in a measure foiled the Viceroy's plans. As soon as the full significance of these appointments dawned on the King he placed all possible obstacles in the way of the accomplishment of the Chinese plans and turned to Foulk for advice. Denny became jealous of Foulk, who really occupied the position of influence to which he aspired. Yuan Shi Kai came to look upon Foulk as the one great obstacle to the accomplishment of his purpose, which was nothing less than the delivery of Korea to China, to be held in a position probably somewhat similar to Manchuria.

While these changes were taking place, the American Government very clearly, although not with perfect candor, revealed its policy of retirement by its delay in sending the army officers whose presence was now requested by China and Japan as well as by Korea. In the end no regular army officers were sent, Congress having failed to pass an act to permit it, and in their place came some Americans of military training but not of the regular army. They did not render a very distinguished service and attained no important influence. The *coup d'état* of December fourth and its attendant notoriety led American business men to scrutinize the Korean situation more closely. They immediately became timid and were also convinced that the wealth of Korea had been greatly overestimated. American trade with Korea was trivial and mostly conducted through Japan. Foulk was therefore called upon to bear almost alone a very great load of responsibility. At the same time he was in ill health, in serious financial difficulties through the failure

[1] H. C. Morse, *International Relations of the Chinese Empire*, III, p. 13.

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of the government to honor his drafts, and entirely without even clerical assistance in the legation.

On Feb. 18, 1886, after nearly fourteen months service as Chargé d'Affairs, Foulk addressed the Department asking to be relieved. He stated that the character of his services had been such that he was no longer suited for further diplomatic duty. The Department appears to have fully appreciated the delicate situation, to have approved of his course, and asked him to continue until his successor arrived. Two days after his request for relief he summarized for the Department his opinion on the issues of the day as follows:[1]

> Korea must become an independent nation eventually, whatever may be the troubles on the way, and the most effective help she should receive, is fitted for, and deserves, is that from Western nations—not from China, the dictation of which only tends to throw upon Korea the troubles her superstitious and pagan civilization and conservatism bring on herself and will continue to do so for years to come.

This personal opinion of Foulk's, while sound enough, was rather academic and theoretical, for Korea was quite unable to withstand the assault of China, and the United States, at least, had never betrayed the slightest inclination to intervene and remove the blight of Chinese influence. Foulk appears not to have sensed the dangers of either Russian or Japanese intervention, which were in those early days not very apparent.

William H. Parker, the newly appointed American Minister Resident, reached Seoul on June 6, 1886. Foulk immediately turned over the Legation to him and shortly afterwards retired from Korea, going to Japan in search of much-needed rest. He was still technically the Naval Attaché.

While China had agreed in the treaty of Tientsin (1885) to recognize the equal rights of Japan in the peninsula it was never the intention of Li Hung Chang to leave the situation undisturbed. With Yuan Shi Kai to Korea came the ex-Regent, the Tai Wen Kun, who had been carried off to China

[1] Foulk Papers; Korea Despatches, vol. 3 (Dept. of State).

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in exile three years before, following the *êmeute* of July, 1882.[1] The return of the ex-Regent created still another complication in Korean politics. The Tai Wen Kun, although an exclusionist who would have excluded the Chinese as well as the other foreigners, was a practical man and not unwilling for the moment to play the game for China against Japan and the other powers. He was also the avowed enemy of the Queen and the Min family to which the Queen belonged. His return was therefore a provocation to the Mins and threw the weight of the Queen's influence against the Chinese domination of the government. Li Hung Chang would appear to have been sufficiently assured of his position at that time so that he felt able to defy the Queen. In the summer of 1886 a new plot was organized by the Tai Wen Kun, with the knowledge and help of Yuan Shi Kai, which had for its object the capture of the King, Queen and Crown Prince, the dethronement of the King, and the elevation of the son of the King's elder brother as heir-apparent, over whom the Tai Wen Kun would again reign as Regent.[2] The plot was foiled by Min Yong Ik who, although a conservative and generally pro-Chinese, was none the less even more loyal to the Min family.

[1] An account of this *émeute* will be found in Ariga Nagao (Stead), pp. 179 *et seq.*; see also W. E. Griffis, *Korea the Hermit Kingdom* (N. Y., 1907), pp. 433 *et seq.* This attempted insurrection had been engineered by the Tai Wen Kun in the interest of the exclusionist party and as a protest against the treaties with the United States and Great Britain.

[2] The details of this plot, which were well known by all the foreigners in Korea at the time, were exposed by O. N. Denny in a pamphlet, *China and Korea*, Feb. 3, 1888, which will be found printed in the *Congressional Record*, Aug. 31, 1888, incorporated in the remarks of Senator Mitchell of Oregon. Denny subsequently complained to Senator Mitchell of his treatment at the hands of Li Hung Chang and the senator brought the subject of Chinese intervention in Korea before the Senate with a resolution requesting the publication of the U. S.-Korea diplomatic correspondence. Mitchell appeared to be desirous of discrediting China still further in the course of the discussion of the Chinese immigration question. The Mitchell resolution was referred to the Committee on Foreign Relations, from which it never emerged. The policy of the American government at this time appears to have been to exclude the Korean question as a subject of discussion either in the Senate or elsewhere. This may have been with a view to allaying as far as possible the growing anti-Chinese prejudice engendered by the immigration question.

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Foulk had supposed that upon his arrival in Japan he was definitely removed from diplomatic duties, but the new minister proved to be hopelessly unfitted for his responsibilities and was incapacitated for service during the critical period of the attempted *émeute*. As soon as the situation became known, Parker was summarily removed from Korea on a war-vessel and Foulk was directed by cable to return to Korea and take charge of the legation. Foulk was still in ill health and the diplomatic disabilities to which he had confessed eight months before still remained. He had incurred the animosities of Yuan Shi Kai, the jealousy of Denny, the united opposition of the British and Chinese and the dislike of Li Hung Chang; nevertheless he returned to Seoul as ordered. Except for a brief vacation in the early part of 1887 Foulk remained until the following June. The King welcomed him with rejoicing and consulted him freely. The Foreign Office, however, was under the complete control of Yuan Shi Kai and the pro-Chinese faction. Foulk again asked to be relieved and W. W. Rockhill was sent to act as Chargé d'Affaires, Dec. 11, 1886; but Foulk still remained in Seoul as Naval Attaché. Meanwhile Admiral Shufeldt had arrived and it was rumored that he was to accept a position as adviser to the King.

The Chinese party, led by Yuan Shi Kai and firmly supported by Li Hung Chang, then organized an extensive campaign to persuade the American Government to recall Foulk. Because of the King's friendship for the attaché, the campaign was really directed against the King. As the plot matured it became more and more of a test case in which Li Hung Chang once again sought to compel the United States to recognize China's right to intervene in the peninsula. What the Chinese really desired was that the United States remove entirely its diplomatic establishment at Seoul just as the American Government actually did remove it in 1905 at the request of Japan.[1]

[1] This request that the American Legation at Seoul be removed and that American diplomatic relations with Korea be conducted through Peking was one of the first diplomatic questions to be presented to Secretary of State Bayard from the Far East (76 *China Despatches*, Denby to Bayard, Oct. 12, 1885). Denby approved this course, but Bayard declined to consider it.

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Through the Foreign Office the charge was made that Foulk had been involved in the plot which matured in the *coup d'état* of Dec. 4, 1884. The charge was based upon the report of the plot made by Foulk to the Department of State and published in *Foreign Relations*, 1885.[1] Rockhill stoutly defended Foulk and secured from the Foreign Office a written retraction of the charge, but upon the arrival of Hugh A. Dinsmore (April 1, 1887) the charge was renewed and the Chinese Government, through the American Legation at Peking, reinforced the request that Foulk be removed from Korea entirely. Feeling ran so high in Seoul that there was even some danger of an anti-foreign uprising and Foulk's life was believed to be menaced by possible assassination. Wildest rumors were circulated, such as that Foulk, entering the palace in disguise, was in nightly consultation with the King. As a matter of fact Foulk had been keeping away from the palace since shortly after his return from Japan in the autumn of 1886, but he could not well refuse to listen to the frequent secret messages which came from the King by confidential messengers. The King now implored the American Government to ignore the demand of his Foreign Office; but Mr. Bayard took the ground that he could not go behind the official request from the Foreign Office for Foulk's removal. Bayard expressed disbelief in the charges which had been made and approved of Foulk's conduct, yet, because he was diplomatically *persona non grata*, ordered him to report to the commanding officer of the American naval forces. Bayard chose to ignore the fact pointed out by Dinsmore that the issue was really a test case and that to accede to the wishes of China was almost equivalent to an acknowledgment of Chinese suzerainty. This, in fact, is the significance of Bayard's decision. The United States had yielded to China in an important matter and had Yuan Shi Kai in his tactless conduct not subsequently squandered the prestige which China had thus gained, and had China been able to follow up this

[1] The charge was made to appear more reasonable by the mistranslation into Chinese which was made by Tong Sha-yi, then attached to the office of Yuan Shi Kai and more recently so conspicuous in the Chinese Revolution and the Chinese Republic.

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victory with another which would have really consolidated the Chinese domination over Korea, it appears probable that in time Bayard or his successors would have fully recognized Chinese suzerainty over the peninsula.

The last days of Foulk's residence in Korea were dramatic in the extreme. Broken in health after the long strain of his service for his country, begged by the King to remain, beset by the Chinese, who even threatened his assassination, ostracized by foreigners who sided with the British and the Chinese, not knowing with certainty who were his friends and who his foes, waiting for the decision of his government on the recall which he had hitherto repeatedly requested, and always smarting under the ingratitude of many of those whom he had served most loyally, Foulk presented a pitiful picture.[1] When the recall came Foulk accepted it with evident relief. Securing leave of absence from the Navy he went to Japan, married a Japanese, and resigned from the Navy. The King of Korea, broken-hearted at the loss of such a friend, offered him a position as adviser and urged him to return. Rockhill and Foulk's brother naval officers advised him against accepting the offer of Korean employment, and Foulk refused. Quite possibly he would have been assassinated had he returned to the peninsula.

By being loyal to the sovereign to whom he was accredited, Foulk had rendered himself *persona non grata*. Whether Foulk had been equally loyal to the Department of State is a nice question. It would appear that Foulk had been thrust ahead as trail-maker in Korean policy and while the Department appreciated his services, and profited by his experiences, it decided to follow a less aggressive course. How the issue appeared to an American who had witnessed Foulk's fall, appears in Dinsmore's despatch of June 25, 1887: "It is utterly impossible for a true American to remain with these people and not become to a degree personally interested in their troubles and natural desire for home rule". However,

[1] Foulk left a record of these last weeks in a journal which is preserved in the Foulk Papers.

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in a previous despatch (May 27th) Dinsmore had stated that the prevailing opinion remained unchanged that "all in all at this time the prospect for Korean independence is gloomy". A review of the subsequent years shows that there was never a time after the recall of Foulk when the prospect was any brighter.

In conclusion we make the following observations:

(1) From the outset the United States held the balance of power diplomatically at Seoul, just as it usually did in Tokio and Peking. It was in a position to tip the scales either way, either toward China or toward Japan, but it could do little to support Korean *de facto* independence except by intervention which would have placed it in opposition to Great Britain and Russia as well as to China and Japan. In the midst of ever-increasing intrigue in an Oriental court, the American Government, as proved by the instructions to its diplomatic representatives, studied absolute neutrality. While preferring Korean independence, it was prepared to face facts, and when the Koreans proved their incapacity to withstand Chinese interference, as in 1887, the United States yielded to China just as eighteen years later it yielded to Japan.

(2) We have before us an almost perfect illustration of the futility of the much-vaunted isolated policy of the United States in international relations, especially in the Far East. Nothing could have saved Korea but an international guarantee. Such a guarantee should have been secured before the peninsula was opened by the treaty of Commodore Shufeldt. In the next few years it was proposed successively by Japanese, Russians and British in responsible positions and the proposals were reported to the American Government. The United States desired to secure what this guarantee would bring, the open door on the Japan Sea, but it was never disposed to share the responsibility of such an obligation. The United States wanted something, but wanted to get it for nothing. To have made a guarantee effective it would have been necessary to strengthen the American naval forces in the East and reorganize the whole diplomatic and consular service to make it equal

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to the new tasks; but for such adventures the United States in the eighties was not prepared.

(3) To understand fully the formation of American policy in Korea it is necessary to compare it with contemporaneous policy in the Hawaiian Islands and in Samoa; such a comparison, however, does not fall within the province of this paper. Suffice it to say that one will look in vain through all these discussions and records for any clear perception by the American people, as represented by their Senators and Representatives, of the issues of foreign policy which are now seen to have been clearly involved. The American people were treating, or trying to treat, international relations as though they were domestic issues.

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THE BRITANNIC QUESTION AND THE AMERICAN REVOLUTION

THE dispute between Great Britain and the American colonies which culminated in the Declaration of Independence precipitated the first thorough-going discussion of the constitutional character of the British Empire and elicited a number of specific proposals for its reconstruction. At bottom the problem was to reconcile colonial liberty with imperial unity—the same problem that challenges the thought of the imperially-minded in Britain and the Dominions today. The American colonies had reached a stage in their development when the colonial status, as understood by the British government, was felt to be intolerable by a large part of their inhabitants. Could a higher status be attained within the empire or only by secession from it? On both sides of the Atlantic there were men who appreciated the nature of the issue and its gravity, but the efforts of constructive imperial thinking were overborne by the dead weight of British conservatism, unable to realize that political relations must be measurably in harmony with other conditions of life, and the rising tide of American radicalism, which came to demand complete independence. Dulany and Chatham, John Adams and John Cartwright, were of like mind and could have cooperated for the liberalization of the empire, but between Tom Paine and George III no compromise was possible. The voice of imperial reform had spoken bravely, but it was stilled by the clash of arms, and the British imperial problem remained unsolved, to be grappled with anew by a later generation.

In a volume recently published[1] Professor Randolph Greenfield Adams examines and analyzes the opinions respecting the nature and organization of the British Empire expressed during the years immediately preceding the War of Independence. It is no great praise of Mr. Adams to say that he has given us our best account of some of the aspects of this phase of the thought of the American Revolution, for hitherto it has not received much attention. The story of the conflict between Great Britain and the colonies has been told most frequently by Americans, from the point of view of the nation to which the Revolution gave birth rather than from that of the empire which it dis-

[1] *Political Ideas of the American Revolution.* Durham, N. C., Trinity College Press, 1922.—207 pp.

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rupted, but even British historians of the Revolution have failed to do full justice to its imperial aspects, and occasional retrospective glances thereat, inspired by latter-day interest in the constitutional relations between Britain and the Dominions, are not to be compared with the results of Mr. Adams's investigations. Even in Moses Coit Tyler's massive *Literary History of the American Revolution* some of the writings which are here exploited to best effect are either not mentioned at all or are referred to only cursorily. Mr. Bernard Holland in his *Imperium et Libertas* pays some attention to the imperial significance of the Revolution; Mr. A. L. Burt in *Imperial Architects* epitomizes a number of proposals for imperial reform made before and during the War of Independence; and Mr. Carl Becker gives us a thoughtful chapter on the theory of the British Empire in his recent volume on the Declaration of Independence. But none of these writers would claim to have exhausted the subject with which Mr. Adams is primarily concerned.

The author discerns three successive stages in the controversy over taxation (chapter iv). In the first, following the passage of the Stamp Act, the colonies admitted the right of Parliament to levy customs duties for the regulation of their trade but denied its right to impose internal taxes upon them for the purpose of raising a revenue. The foolhardiness of Charles Townshend brought the dispute to its second stage. Mr. Adams implies that Townshend was ingenuous in "taking the Americans at their word" and levying "external" taxes on them (p. 75), but the Townshend duties were not the kind of duties that Dulany and Franklin and other Americans who protested against the Stamp Act had agreed that Parliament could lawfully levy. They were not external taxes for the regulation of trade but revenue duties pure and simple, and they drove John Dickinson, under the transparent disguise of a "Pennsylvania Farmer", to assert that Parliament had no right to levy any sort of tax on the colonies, internal or external, though he admitted its legal authority to regulate their trade. His distinction between legitimate "impositions", necessary to preserve the integrity of the empire, and illegitimate "taxes"—"a highly attenuated distinction" Mr. Adams calls it—was an attempt to find a *via media* between the absolute dependence of the colonies on Parliament and their absolute independence of it. Where he failed no man succeeded, and the controversy entered its third stage when the course of events led those whom we may call in anticipation the revolutionists to deny that Parliament possessed any legal power to regulate the trade of the colonies or to legislate for them in any way. In 1774

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the First Continental Congress virtually declared the colonies independent of Parliament, though "from the necessity of the case and a regard to the mutual interest of both countries" it consented to the operation of such acts of Parliament as were confined to the regulation of the external commerce of the colonies. Through the successive stages of the controversy Mr. Adams sees the colonists "attempting to work out philosophically and politically some formula by which they could become free nations and yet . . . continue their participation in the Britannic league of nations." To say that they were attempting an impossible task, he adds, "is simply to blind oneself to the history of the British Empire since the middle of the nineteenth century" (p. 69). But, one is tempted to ask, may there not be ground for the opinion that what was possible after free trade had destroyed the old colonial system was impossible in the earlier time when Great Britain still adhered to it? *Tempora mutantur et nos mutamur in illis.*

In the dispute that arose over taxation the question of the constitutional structure of the empire was inevitably involved. "All the political evils in America", wrote Governor Bernard of Massachusetts in 1765, "rise from the want of ascertaining the relations between Great Britain and America." The opinions that were expressed respecting the nature of the empire Mr. Adams classifies under the headings of "Colonial Dependency," "Imperial Federation," and "A Commonwealth of Nations" (chapters ii–iii).

That the colonies were subject to the unlimited sovereignty of Parliament was the official British theory throughout the period of controversy. It was set forth concisely but in most sweeping language in the Declaratory Act of 1766 and had the support of the highest legal opinion in England. When Lord Camden raised his voice in the House of Lords against the validity of the Declaratory Act, asserting that there were some things which Parliament could not do, he was harking back to the earlier idea, then obsolescent in England, of fundamental law above Parliament. Opponents of the Stamp Act, in America as well as in England, generally admitted that Parliament might lawfully legislate for the whole empire. The state papers produced by the Stamp Act Congress show that its members held this view, though they denied that Parliament had a constitutional right to tax the colonies; and when Chatham rejoiced that America had resisted internal taxation he hastened to insist most emphatically that the colonists were subject to the general legislative authority of Parliament.

The author takes occasion to belittle Burke's imperial statesmanship

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as expressed in his famous parliamentary speeches of 1774 and 1775. Burke's position is represented as a retrogression from Chatham's because "he would permit a reserve power in Parliament to coerce the subordinate legislatures even to the extent of imposing taxes upon them for imperial purposes" (p. 72). It is true that Burke belonged to the school of "colonial dependency" and that he held Parliament to be legally sovereign over the colonies in all cases whatsoever. But he was wise enough to know that legal sovereignty is not omnipotence, and he grasped the fact that political authority, however legal, could not in fact be exercised without regard to the opinion of the governed; nay more, he saw that Parliament could preserve its legal sovereignty over the colonies only by caution in the exercise of it. In his *Letter to the Sheriffs of Bristol*, which Mr. Adams does not mention, there is more than a hint of that distinction between legal power and constitutional practice which is vital in the modern British Empire. No doubt, as Mr. Adams remarks, Burke was not a "political engineer" (p. 28), and he would certainly have disclaimed such a designation. He may not have "possessed the vision to imagine either a Federal Commonwealth or a Commonwealth of Nations, in each of which the ideal of the equality of each of the overseas dominions with the British Isles was a necessary element", but if he was not a seer he at least advocated a policy too wise for the parochially-minded British politicians of his day to follow. It is not, after all, by arduous feats of political engineering but through the virtual nullification of legal powers by constitutional usage that the British Empire has been transformed into a Commonwealth of Nations. Has not the spirit of Burke played its part in this transformation?

Mr. Adams's discussion of what he calls imperial federation is the least satisfactory part of his book. Coined in England about fifty years ago, this term has been applied loosely to projects for closer union between Great Britain and the self-governing colonies which were not federal, in any accurate sense, at all, as well as to those that were. Nowadays it is usually confined, and properly so, to plans of genuine federation. It is in this sense that it is understood in the British Empire today, and it is in this sense alone that it should be used by scientific students of political thought. Mr. Adams seems to attach this meaning to it, for he says that it "involves the subordination of the government of Great Britain to the level of the other governments in the empire and the erection of a central imperial government, with an imperial parliament to which all the dominions send representatives" (p. 63). He admits that the expression "imperial federation"

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was not in use in the Revolutionary period but insists that the idea was present (pp. 38–9).

During the dozen years preceding the Declaration of Independence a good many proposals were made in America and in England for the representation of the colonies in Parliament, though it is not true that Americans generally desired such representation, as is implied (p. 29). Mr. Adams discusses some of these proposals as embodying the idea of imperial federation. James Otis, he tells us, seemed to believe in the possibility of a federal imperial commonwealth, but all that he cites or that can be cited, I believe, in support of this view, is that Otis was in favor of the representation of the colonies in Parliament (p. 30). He classes Governor Pownall as an imperial federationist because Pownall advocated such a union between Great Britain and the colonies as had been effected between England and Scotland in 1707 (p. 32). But the latter was distinctly *not* a federal union and is never described as such. Franklin suggested the admission of American representatives to the House of Commons, but Mr. Adams gives no evidence to show that he ever proposed anything that could be brought within the scope of federation accurately defined. Yet we are told that in 1767 he was "still clinging to the idea of imperial federation" (p. 35). Mr. Adams refers to a very interesting pamphlet by Francis Masseres, published in London in 1770 and entitled *Considerations on the Expediency of Admitting Representatives from the American Colonies into the British House of Commons*, as a "scheme of imperial federation" (p. 34). Now what Masseres actually proposed was merely the admission to Parliament of representatives of the colonies in America and the West Indies, to be chosen annually by the several colonial assemblies. Parliament, thus reenforced by colonial representatives, ought normally to legislate for the colonies, he thought, only in matters of intercolonial or general imperial concern, leaving the government of each colony to control its own internal affairs. Mr. Adams is in error when he says (p. 34) that this plan would have limited the supremacy of Parliament "by the rights reserved to the several component states of the empire", for Masseres expressly insisted that the authority of Parliament "must be allowed to be supreme and incontestable, and all their acts of any kind must be intitled to universal obedience", and that in case of need it should interpose even in the domestic affairs of a colony. Nor will one find in his tract any warrant for Mr. Adams's statement (p. 34) that under this plan the colonial representatives would not have been present in Parliament when it sat as the local legislature of Great Britain.

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Professor McLaughlin would have us believe that the background of our American federalism is to be found in the distribution of political powers between the imperial and the colonial governments which had been worked out by experience in the old British Empire. Perhaps the Empire did afford the material for the organization of a federal system. But neither the admission of colonial representatives to Parliament nor a general agreement upon a suitable distribution of powers between imperial and colonial governments, nor both combined, would have meant imperial federation, as the term is understood today. Algeria at present has a local government which exercises certain political powers, and it is also represented in the French Parliament. Would Mr. Adams say that therefore Algeria and France are federated? Of the idea of imperial federation proper, a system involving the establishment of a general government for the whole empire invested with specified powers and distinct from the government of Great Britain, and involving also equality in legal status between the colonies and Great Britain, I believe that scarcely a trace can be found in the thought of the American Revolution. At a time when federalism was confined to Switzerland and the Netherlands, when the great powers were centralized monarchies, it is not strange that men did not think of it as applicable to the British Empire.

When the champions of the American cause advanced to the point of denying to Parliament all legislative authority over the colonies a conception of the empire radically different from that which had previously prevailed was explicit or implicit in their thought. In the earlier stages of the controversy there had been disagreement as to the extent of Parliament's authority over the colonies, but opinion had been substantially unanimous that the British Empire was a single state. If, however, the colonies were wholly independent of Parliament and connected with Great Britain only by having a common sovereign, what was the empire? Let Franklin tell.

> The more I have thought and read on the subject [he wrote in 1768], the more I find myself confirmed in opinion that no middle doctrine can be well maintained; I mean not clearly and with intelligible arguments. Something might be made of either of the extremes: that Parliament has a power to make *all laws* for us, or that it has a power to make *no laws* for us; and I think the arguments for the latter more numerous and weighty than those for the former. Supposing that doctrine established, the colonies would then be so many separate states, only subject to the same King, as England and Scotland were before the union.

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And two years later he said: "In fact, the British empire is not a single State; it comprehends many; and though the Parliament of Great Britain has arrogated to itself the power of taxing the Colonies, it has no more right to do so than it has to tax Hanover." In his presentation of this phase of Revolutionary opinion Mr. Adams has made a real contribution to the history of political speculation.

Franklin's view of the nature of the empire was not original with him. More than once during the seventeenth century the General Court and magistrates of Massachusetts took the position that the colony was not subject to the jurisdiction of Parliament, and there are suggestions of the same idea in the early history of some of the other colonies. To what extent it continued to be held would be difficult to ascertain. At the time of the Stamp Act, as has been said, the prevailing American opinion was that Parliament possessed general legislative authority over the colonies. Yet if we are to accept the testimony of the English clergyman Andrew Burnaby, who traveled in America during the French and Indian War, many of the people of Virginia at that time looked upon the colonies as independent states, connected with Great Britain only by the crown.

In *An Enquiry into the Rights of the British Colonies*, published in 1766, Richard Bland of Virginia contended that from the beginning Virginia had been a state separate and distinct from Great Britain in internal affairs though united with her in external policy "in the closest and most intimate league and amity." His argument, based upon natural rights and his interpretation of the English constitution and the history of the early relations between Virginia and England, leads logically to a denial of all parliamentary authority over the colonies, in matters of general legislation as well as of taxation; but he seems to have recoiled from such a conclusion. Many years afterwards, Jefferson, upon whom the tract probably had its influence, commented on Bland's failure to pursue his reasoning to the end, but declared that he had written "the first pamphlet on the nature of the connection with Great Britain which had any pretension to accuracy of view on that subject."

By 1774, the year of the "intolerable acts" and the meeting of the First Continental Congress, American Whigs were ceasing to dread the consequences of logic, and in that year a number of vigorous writers gave bold utterance to their conception of the empire as an association of coordinate and mutually independent states or, as Mr. Adams, employing modern terminology, expresses it, a "Commonwealth of Nations." One of these was James Wilson of Pennsylvania, better

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known for the part he played in the establishment of our Constitution than for his speculations on the character of the British Empire. In early life he gave serious thought to imperial relations, as is shown by his *Considerations on the Nature and Extent of the Legislative Authority of the British Parliament*, written before 1774 but not published till that year. In this pamphlet, in which he came to the same conclusion that Franklin had reached respecting the jurisdiction of Parliament and the nature of the Empire, he shows, in Mr. Adams's words, "an unwillingness to concede that the American dominions were anything less than equal partners in the empire, with an equal unwillingness to break away from the allegiance to the Britannic idea" (pp. 54–5). Of like tenor was Jefferson's *Summary View of the Rights of British America* and James Iredell's address, *To the Inhabitants of Great Britain*, both published in 1774. Thenceforth till independence was declared it was good American Whig doctrine that the colonies were separate and distinct communities, not inferior in status to Great Britain and connected with her only by the crown.

To John Adams as a "Britannic Statesman" the author devotes an entire chapter. The political theories of Adams have been the subject of a good deal of investigation, but little attention has been given to his early writings, and it is these that are of especial concern to the student of imperial history. In 1773 a controversy arose between Governor Hutchinson of Massachusetts and the legislature of the colony over the vexed question of the jurisdiction of Parliament, the Governor insisting that no line could be drawn "between the supreme authority of Parliament and the total independence of the colonies." The reply of the House of Representatives seems to have been principally the work of Adams. It invoked history to show that in early colonial times the colonies were regarded as being outside the realm of England and beyond the authority of Parliament, and it urged that there was no reason why mutually independent states, "united in one head and common Sovereign," might not live together happily in that connection and "mutually support and protect each other." In the early months of 1775 there appeared in the Boston *Gazette* a series of papers by Adams over the signature of "Novanglus". Tyler in his *Literary History* expresses no high opinion of them and deems them unworthy of more than passing mention—"they plunge into a vast morass of technical discussion, into which, perhaps, no living reader will ever follow the writer." Mr. Adams, nevertheless, has ventured into this "Serbonian bog" and emerged from it with distinctly interesting findings. Such sentences as these illustrate John Adams's theory of the British Empire:

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The truth is, the authority of parliament was never generally acknowledged in America. . . . We had considered ourselves as connected with Great Britain, but we never thought parliament the supreme legislature over us. We never generally supposed it to have any authority over us, but from necessity, and that necessity we thought confined to the regulation of trade, and to such matters as concerned all the colonies together. We never allowed them any authority in our internal concerns. . . . Distinct states may be united under one king. And those states may be further cemented and united together by a treaty of commerce. This is the case. We have, by our own express consent, contracted to observe the Navigation Act, and by our implied consent, by long usage and uninterrupted acquiescence, have submitted to the other acts of trade, however grievous some of them may be. This may be compared to a treaty of commerce, by which those distinct states are cemented together, in perpetual league and amity.

To Adams, then, the Empire was a league of equal states with a common executive head. George III was King of Massachusetts and of each of the other colonies as well as King of Great Britain and King of Ireland, and Adams wished that he would be graciously pleased to assume those titles.

Nor was this conception of the Empire confined to American Whigs. A number of English Radicals entertained similar opinions. Reasoning from the assumptions of the natural-rights philosophy of government and liberty and their own interpretation of the British constitution, they denied that a Parliament in which the Americans were not represented could have any valid authority over them. In a series of letters addressed to Parliament and published in pamphlet form in 1774 as *American Independence the Interest and Glory of Great Britain*, Major John Cartwright, well known for his later efforts in behalf of parliamentary reform, actually proposed that a statute should be passed declaring the American colonies free and independent states with the King as executive head of them all, and suggested as a suitable name for such an imperial partnership, "The Grand British League and Confederacy." In his *Declaration of the People's Natural Right to a Share in the Legislature*, Granville Sharp, best known for the important part he played in the British anti-slavery movement, held that the colonies, while not subject to Parliament, were "nevertheless firmly united by the circle of the British Diadem, so as to form *one vast Empire*." Mr. Adams might also have referred to a work that enjoyed a much greater vogue than either of these, Richard Price's *Observations on the Nature of Civil Liberty, the Principles of Govern-*

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ment, and the Justice and Policy of the War with America, which was published in 1776 and rapidly passed through several editions. According to Price, the only type of empire consistent with the principles of civil liberty was that in which all the component communities were free and mutually independent. He believed that "a common relation to one supreme executive head, an exchange of kind offices, ties of interest and affection, and compacts" would provide a sufficient basis of British imperial unity.

Long after the United States had withdrawn from the British Empire Madison thus stated the issue of the Revolution in terms of political theory:

> The legislative power was maintained to be as complete in each American parliament, as in the British parliament, and the royal prerogative was in force in each colony by virtue of its acknowledging the king for its executive magistrate, as it was in Great Britain, by virtue of a like acknowledgment there. A denial of these principles by Great Britain and an assertion of them by America produced the revolution.

Which, by the way, reminds one of Maitland's somewhat whimsical words anent the insularity of English political thought:

> The State that Englishmen knew was a singularly unicellular State, and at a critical time they were not too well equipped with tried and traditional thoughts which would meet the case of Ireland or of some communities, commonwealths, corporations in America which seemed to have wills—and hardly fictitious wills—of their own, and which became States and United States.

No reader of Mr. Adams's book who has followed recent developments in the empire can fail to be impressed by the similarity between the form which it has come to assume and the theory of its structure held by such men as Franklin, Wilson, Adams and Cartwright. Parliament has done gradually and in constitutional practice what they desired it to do formally and at once. It has never abdicated as legal sovereign throughout the empire. It has never passed such a self-denying statute as Cartwright proposed, and the Declaratory Act of 1766 still remains law. But it has ceased in practice to exercise authority over the Dominions. Not only this, but such powers of the crown as used to be exercised over the colonies on the advice of British ministers, like the right to disallow colonial laws or to appoint colonial governors, have, with regard to the Dominions, either fallen into disuse or come to be exercised on the advice of Dominion ministers.

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A century and a half after Franklin had made up his mind that the empire was an association of equals, Mr. Lloyd George declared in the conference of prime ministers of the Empire held in 1921 that the Dominions had achieved "full national status" and that they stood beside the United Kingdom "as equal partners in the dignities and responsibilities of the British Commonwealth."

Yet it was not the American Revolution that taught Great Britain the ways of wisdom, though the contrary assertion has often been made. The state that Englishmen knew continued long after the Revolution to be "singularly unicellular." The politicians and ruling classes of Britain emerged from the bitter experience of the years 1776–1783 disappointed but without change of heart. Parliamentary taxation of the colonies for the sake of revenue they did indeed abandon, but British colonial policy in the early decades of the nineteenth century was in general less liberal than it had been before the Revolution. The Canadian revolts of 1837–8 sounded a warning that was heeded, and Free Trade created an atmosphere favorable to the spread of colonial self-government. But the transformation of the empire into a commonwealth of nations, wrought out during the last seventy-five years, has been unaffected by the imperial theories of the American Revolution. Speaking of the Puritan Revolution, Professor George Burton Adams has observed: "Nearly everything for which the revolution strove is now a part of the English constitution, but not as a result of its endeavor." It would be equally true to say that the ideals of the American Revolutionists have come to be realized in the constitutional practice of the British Empire, though not as a result of their efforts.

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WILSONISM[1]

THERE seems to be a new-old social philosophy in the world. It cannot be exactly new, for there is nothing in the social thinking of the modern world that was not canvassed by the ancients. It cannot be quite old, for the mass of men concerned know nothing of what was discussed or actually tried in ancient times. Whatever it is it connects itself with the name of Woodrow Wilson. It is Wilsonism, albeit many men have had influence in shaping its expression.

As in the case of other social philosophers, especially when they were in a position to make their thinking real, there is the most ardent approval and the most violent disapproval. Beginning as a conservative, Woodrow Wilson wrote his *Congressional Government* to show the necessity of responsibility in American politics. By responsibility he meant the kind of leadership that has grown up in England since the American revolution. He would compel committees of Congress to deliberate in public in order that the public might know what leaders and what party sponsored legislation. Besides, from his point of view, publicity would tend to defeat the purposes of those who seek to corrupt legislation at its source.

To this idea of congressional reform Wilson added from time to time another idea, that of presidential leadership. By the Constitution the President of the United States is a department of the government acting upon his own responsibility. Wilson's proposal was that the elected chief of the nation must in reality be the leader of Congress. He must initiate legislation, sidetrack other legislation, and prod Congress into pressing consistent and constructive programs into operation. Somebody must lead in any country. Wilson would have the President exercise this important function in the United States. Without such

[1] Making of Woodrow Wilson President. By William E. McCombs and Louis J. Lang. New York, Fairview Publishing Company, 1921.—309 pp.

Woodrow Wilson as I Know Him. By Joseph P. Tumulty. New York, Doubleday, Page and Company, 1921.—xvi, 553 pp.

The Life and Letters of Walter Hines Page. By Burton L. Hendrick. New York, Doubleday, Page and Company, 1922.—2 vols.

Woodrow Wilson and the World Settlement. By Ray Stannard Baker. New York, Doubleday, Page and Company, 1922.—3 vols.

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leadership, he insists that the country must inevitably come to grief. If Congress becomes more responsive to public criticism, throwing off its old-time methods of evasion, and the President takes his place as the guide and counsellor of the national legislators, the government of the United States becomes at once more democratic and more directly responsible to the people; and political parties, as the agents of public opinion, become far more important and coherent.

Congressional responsibility and presidential leadership are the two fronts to one policy, that of making the government more representative and even more democratic, although democracy was not in the beginning Wilson's objective. He was rather fearful of the great majority when he wrote *Congressional Government;* he was distinctly conservative when he began his work as professor of politics at Princeton. More than once he expressed the view that the masses of men do not know what is best for them; nor do they know how to get what they think is best. His idea then was administrative reform; and he probably thought that without some such reform, the people would one day overthrow a government which he thought the best that was possible in the United States.

But the experiences of the presidency of Princeton University and the effects of the agitation of the Roosevelt days led Wilson to adopt the view that the people are the sole safe repository of political power and that both Congress and the President, acting in harmony with the ideals expressed in popular elections, must give prompt and effective expression to the will of the majority. His reforms must then serve the cause of democracy. As governor of New Jersey and above all as President of the United States, he sought ever to make government in the states and in the nation immediately responsive to the people. His business as executive was to lead legislators, even to drive them, into doing the will of the majority. Twice he found, and confessed in his actions, that this interpretation of and obedience to the majority was not to be as direct and open as he had urged in his writings. In 1913 he regretfully abandoned that publicity which he had successfully practiced at Trenton; and at Paris he did not succeed in conducting the negotiations in full view of all the world. These were practical limitations of his ideal which he has more than once lamented. Moreover, he went to Paris and sought to carry there the ideal world policy which had clearly been rejected in the election of 1918. But the nature of the case and the unfortunate mandate of the Constitution compelled him to violate his ideal, that democratic method, which Wilsonism required him to observe. He could not resign without

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making matters worse; he could not go on his way without violating his ideal of responsible leadership.

But the greater part of Wilsonism, as the world knows it, has to do with international relations, not only of the United States, but of the whole modern world. The domestic policies of Wilson were successful beyond anything ever attempted by any other President. The same principles applied to world affairs gave promise of a revolution in all the affairs of men that astounded and frightened people beyond measure. The United States had for a hundred years talked of and sometimes insisted upon a foreign policy summed up in the two words, "Monroe Doctrine." The people of the United States conceived this policy to mean merely the protection of weaker American states against the aggression of European states, latterly against the imagined aggressions of Japan. While the people thought there was only benevolence in this behavior, the leaders of the people had long been aware that Monroeism meant a great deal more. It covered the violence that paralleled the acquisition of the Panama canal zone. It gave support to American investors in all Spanish America, and under its cover these investors assumed the attitude of super-citizens of their adopted countries. Oil magnates in Mexico, for example, could not conceive of their submitting to constitutional amendments that affected adversely their property rights. They appealed to Washington for support and Washington felt compelled to protest against clauses of the Mexican Constitution—a procedure which few citizens of the United States would for a moment condone in any foreign country if applied to the American Constitution and laws. Under cover of the Monroe Doctrine, then, the United States became a sort of elder brother of all American countries, with the difference that the elder brother was taking the better part of the common inheritance whenever he desired to take it.

This was the foreign policy of the country when Wilson became President. It concerned simply American affairs. But at the moment, the rapid increase of wealth was leading the Government to assume a similar attitude in the Far East. The Open Door of John Hay simply meant that the United States would insist upon free access to Chinese markets in competition with Japanese and European traders. At the same time under an ancient tariff policy, the United States insisted upon closing, as far as practicable, American markets to all comers. It was a little difficult to think of this as a real open-door attitude; and it was even more difficult to think of it as benevolent. But the mass of the people never conceived of it as unfair or selfish. They

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could not understand the attitude of Japan when she gave evidence of her inward protest against American overlordship in the Philippines. The leaders of that country were working out a Monroe doctrine for the Far East, a doctrine by which Japan meant to do in the islands of the far Pacific and upon the continent of Asia just what the United States was doing in the islands of the Caribbean Sea and on the mainland of Central and South America. Americans thought this Japanese policy exceedingly imperialistic. American missionaries could with the greatest difficulty refrain from agitation in China and Korea against the Japanese.

Here was a fundamental inconsistency in the American foreign policy. And neither in Spanish America nor in the Far East was the attitude of the United States unselfish. The test of unselfishness is to allow others to do without thought of protest what you do. The people of the United States could not think of that when it was rumored that Japan meant to acquire possessions in Mexico and on the coast of South America, a performance essentially similar to American ownership of the Philippines and the American commercial policy in China. This inconsistency the people of the United States could not see. They never dreamed that Monroeism meant to American business interests just what the *Drang nach Osten* meant to imperial Germany. It was quite right for the United States to build a canal at Panama and compel smaller Central American states to set their houses in order. It was entirely wrong for Germany to build a railway through Mesopotamia and assume a sort of overlordship of the backward people of that region.

If the American people had never seen the inward meaning of their foreign policy, all other peoples had seen it, or their leaders saw it. Before 1913 no country had ever recognized the validity of the Monroe Doctrine, although both England and Germany had acquiesced in it and at times appeared to endorse it. The little countries of Spanish America were indignant at the United States. They were forming leagues of states against the government of the country. The greatest international lawyers in the world lived in South America. They had grown great in whetting their wits upon the Monroe Doctrine. In the Far East only China felt a genuine friendship for the United States. This was the situation when Wilson took office.

He was the first of American presidents to see the point of view of South Americans; he was the first to make open proclamation of the injustice of the American policy. He proved so indifferent to the protests of American investors in the Spanish-American world, that British

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investors made complaint in London a little before the outbreak of the Great War. Europeans in general were anxious lest his "Monroeism" prove the undoing of their economic interests. They wished the United States to take a stiff attitude in all Spanish America in order that investors, American and European, might withstand Spanish American regulations, and "robberies", as some were wont to call them. Even so mild and just a man as James Bryce broke a long friendship with Wilson because of the "strange attitude" of the latter toward the interests of investors of capital in South and Central American countries.

What was it that Wilson meant to do or to prevent others from doing? He would make the Monroe Doctrine merely protective of the weak against the strong. He would not under the cover of the doctrine permit the seizure of the resources of the countries protected. Men might lend money to the Chinese for the development of that backward country; but if they did so they must not expect assistance from the government in the collection of principal or interest. Armies and navies were not intended as collectors of bad debts. And revolutions that took place in Mexico were Mexican, not American, affairs. If Mexicans wished to re-arrange their laws of property, he would not protest. Englishmen and Germans concerned might take notice. But they must not collect the debts of their nationals in any but the legal ways. They must observe the Monroe Doctrine in its protective features. In other words modern economic imperialism must shift for itself. This was the general policy, although Wilson did not wholly abandon economic imperialism in Central America.

Here was indeed a new spirit in world affairs. It was the very day of economic imperialism. The world was about to be deluged with a war on behalf of German economic imperialism. How could Wilson with the support of only some forty per cent of the American electorate make good such a policy?

It was the Great War which played into his hands at the critical moment. By holding aloof, at a time when holding aloof was absolutely necessary to the unity of his own country, he might let all the world see what economic imperialism meant. He might even let the world see that German imperialism might be established everywhere, and "the German sword" become the arbiter in Peking as well as in Asia Minor. Of course I do not mean to say that he foresaw all that happened. But Wilson had grown to be such a democrat under the pressure of events that he did foresee a great deal that happened and he did take positive positions that led to his becoming the arbiter of

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world affairs soon after the entry of the United States into the world war. The armies and the wealth of the United States would determine the outcome of the war. But the man who profoundly deprecated the whole policy of economic imperialism was made the spokesman of all opponents of German imperialism.

In this position Wilson sought to substitute a new international order for the old order. He would write a new international law. He would put into world policy the older principles of the American people: religious freedom, self-determination of peoples, government by majorities, abandonment of force as a method of determining international disputes: democracy. That was what he proposed. Confronted with imperial Germany on the one side and the marvellous new democracy of Wilson on the other, the French, the British and the Italians could not fail to accept the doctrine. Statesmen who had never been democratic preferred democracy to obliteration. The German power collapsed. Wilson and the Allied statesmen met at Paris. The contest between the new and the old began in bitter earnest.

The majority of the people of the United States abandoned Wilson at Paris. The statesmen of Europe made utmost use of this fact. Wilson, in order to succeed, must have rallied the peoples of Europe to himself as against European reactionaries. For a moment it seemed that he might do this. But it quickly appeared that the only way to do this unprecedented thing was to stir in men a revolution. Revolutions generally destroy before they rebuild. Wilson was no destroyer. He would save men both from economic imperialism and from violent revolution. No man ever stood in quite the same terrible position that Wilson stood at Paris. No leader of men ever had a better or a nobler cause. No man at a similar crisis received so little effective support from his own country. The people of the United States were afraid of his far-reaching idealism. They wished to return to their old haunts.

And he almost failed. At least he failed to such an extent that European statesmen were quite willing to accept the results of the conference. The United States rejected Wilsonism by an unprecedented majority in the election of 1920. The American people rejected the treaty of Versailles not because it was bad, but because it contained too much of Wilsonism. The one promising feature of the great settlement, the League of Nations, was the one thing against which Americans voted.

Wilsonism had failed. The world fell back into its rut. After a

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war that had cost ten million lives and hundreds of billions of dollars, the world proposed to restore economic imperialism; and the United States, retiring from the world stage, must of necessity become the high priest of the system, the greatest creditor and the greatest power on earth. It was a great reaction; as indeed the alternative, Wilsonism, was a great reform. And naturally men have published scores of books and given utterance to thousands of pamphlets and speeches upon both sides of the subject. Wilsonism is perhaps the biggest subject of our day. It is in order to evaluate some of the more important books that treat of what must inevitably bear the name of the ex-president that this article is written. To that end I have placed at the head of this article a list of some of the titles of books bearing upon the subject.

II

Before assessing, very briefly to be sure, the works before us, it may be well to indicate the titles of earlier books which must serve as a sort of introduction to the more important ones that have appeared since the retirement of Wilson. Miss Hester E. Hosford in *Woodrow Wilson and New Jersey Made Over* and *Woodrow Wilson, his Career, his Statesmanship and his Public Policies* (1912) indicated what Wilsonism promised in its very inception. Wilson himself published in 1913 *The New Freedom* in which a general, if rather vague, statement of the Wilson domestic policies appears. In 1917 Professors Robinson and West printed in *The Foreign Policy of Woodrow Wilson* most of the greater speeches of the then President. And these give formal statement of the ideals of their author with reference to the larger domestic issues then before the country. Professor Charles Seymour in his *Woodrow Wilson and the World War* gives a fair estimate of Wilson's effort to carry his program into effect. And the author of this article published in 1920 *Woodrow Wilson and his Work*, a book that endeavors to give the inception and growth of both Wilson's domestic policies and his greater foreign program down to the adjournment of the Paris Conference. A later edition brings the subject to the close of the Wilson administration.

It was not until the Great War rendered Wilson's position in the world unparalleled, that men began in dead earnest to understand him and either assist him or thwart him, according to their real or imagined interests. From 1914 to 1920 James M. Beck, in *The Evidence in the Case*, *War and Humanity*, *The Reckoning* and *The Passing of the New Freedom*, endeavored at first to convert the president from his

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evil ways and then to thwart him in his purposes. These form a group of brilliant polemics that show more and more of the influence of rancor upon the mind of the author as he brought out his successive works. Of little less influence were the writings of George Harvey in *The North American Review* from 1914 to 1918 and in *Harvey's Weekly* from 1918 to 1921. David Jayne Hill in *Americanism—What It Is* (1916), *Problems in Present Foreign Policy* (1919), and *American World Policies* (1920) sought to arouse the country to the dangers of Wilsonism. And Theodore Roosevelt in *Fear God and Take Your Own Part* (1916), *Foes of Our Own Household* (1917), and *National Strength and International Duty* (1917), did his utmost to discredit both the domestic and foreign policies of President Wilson.

These are a few of the more influential works and writings that were designed to break the force of the Wilson leadership. Few men ever were distinguished by so much and so violent opposition. While the purely historical treatments of Wilsonism, as given above, tended to favor him and History itself seems to vindicate him, the violent criticism of his uncompromising opponents, like Beck and Hill, reached great numbers of readers and called forth that volume of editorial comment and local attack which counted decisively in the final conflict of ideas at Paris and in the elections of 1918 and 1920. As one begins now to view the subject in some perspective, it seems that the country has been through one of its great debates, one of the few debates that had some reality behind them. Wilsonism would seem to be a reality itself.

While this war of words was developing in the United States, opinion outside the country gradually took form. H. W. Harris, an English publicist, brought out a book on Woodrow Wilson that sought to state his philosophy and gauge his possible influence upon European diplomacy. In 1918 Harris said: "If ever his [Wilson's] hopes are realized, his name will be one of the few immortals whose work lifted the world to new moral standards" (p. 253). L. P. Nelson of Stockholm said in a book on Wilson (1918) that the American President seemed to be the hope of mankind. An unknown writer of a book on Wilson published in London and signed "Africanus" said (p. 29): "Wilson's position in the world startles us with freshness of spirit and the greatness of the forces within his grasp." Hélevy, the French publicist, in a *Life of Wilson* (1918) was more philosophical but not less enthusiastic about the American President. It was the same in Spain, in Italy and in South American countries. Everywhere publicists and statesmen alike saw in Wilson a new leader, a statesman who

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would recast the social and political system of the day, without revolution.

This was prior to the meeting of the Peace Conference at Paris. During that conference and after its adjournment, the opinion of liberal minds everywhere remained, with certain exceptions in the United States, substantially the same. The majority of books and pamphlets about the work of the conference continued well into 1920 to be favorable to the ideals and work of Wilson. *What Happened at Paris*, by Colonel House and his colleagues, gave Wilson the one high and honorable rôle that was played there. Haskins and Lord, *Some Problems of the Peace Conference* (1920) and B. M. Baruch, *Making of the Economic and Reparation Sections of the Peace Treaty* (1920), and André Tardieu, in one of the cleverest books on the peace conference, all attribute to Wilson the highest motives and the most statesmanlike purposes. Of the multitudes of articles in the greater periodicals of the years 1919–20 I shall not speak. Nearly all took the position that Wilson had proposed and fought for a new world system. Even in the partial undoing of his plans and in the impossible features of the treaty, few of the soberer critics found occasion for attack upon the President.

On the other hand, beginning with John Maynard Keynes's *The Economic Consequences of the Peace* (1920) there grew up a volume of hostile criticism that must not be left without comment. Keynes sought to show that Wilson was responsible for the fatal reparation clauses. In this he was doubtless correct, but he did not show what were the alternatives; that is, Wilson must accept the impossible terms of the French demands or he must abandon the work at Paris, leaving Europe to find its own way out of the dilemma. Robert Lansing, *The Peace Negotiations* (1921), endeavered to convince the world that Wilson's personal "egotism" and autocratic methods defeated the very ideals Wilson pressed upon the world. But the book contradicts itself at once by proving that Clemenceau was still more egotistical and autocratic; and Mr. Lansing finds in Clemenceau the ideal leader of the Paris Conference. E. J. Dillon, a British critic, described in 1921 the peace-making at Paris and once more the effort was made to discredit Wilson. At the same time Wilsonism was the major theme of his discussion. These and other critics of the work at Paris all agree in one thing, that the program of Wilson was the one great subject. Their condemnation of the methods or the failure of the President only prove that some way was sought to overcome the all but irresistible opposition of the representatives of the old order at Paris. Nor is it possible for the historian to overlook the personal

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pique that entered into so many of the books that have been aimed at the work of Wilson.

III

It is now two years since the President left office and four years after the armistice. Most of the writings and the speeches even of the most important public men connected with the Great War begin to fade into insignificance. Few men now deny the importance and the promise of the Fourteen Points. Men who formerly ridiculed them now claim that the failure of Wilson to secure their adoption at Paris was the sole reason for the failure of the United States to accept the treaty of Versailles. As the great program that was summed up in Wilsonism—the domestic reforms, the changing attitude of the United States toward Spanish-American countries and the proposed new and more democratic organization of modern civilization—recedes and the figure of Wilson becomes historical, men begin to deny that they ever violently opposed his ideals or sought to break his personality. There is already a Wilson myth and a vast tradition connected with his name. Mr. Charles R. Crane, returning from his world-wide travels, says that in the Near and the Far East, in the Russian North and in upper reaches of the African continent, Wilson is the one subject of conversation that interests and stirs men. We know from many published documents that in all parts of South America Wilson's name is the only North-American name that is known and loved.

Thus the new and more recent books must needs take a different tone from those which were pressed upon the attention of the world and literally laid upon public men's desks in 1919 and 1920. But the first of these books takes a very hostile attitude; it is the work of William F. McCombs and Louis J. Lang. Mr. McCombs was one of the first to press the name of Wilson for the Presidency after his election to the governorship of New Jersey. Louis J. Lang is a Princeton graduate generally associated with the opposition to Wilson's reform movement in college education. Mr. McCombs apparently left manuscript notes about Wilson and his elevation to the presidency. These have been put together and elaborated by Mr. Lang. The book makes the impression of being hastily thrown together. Whatever one may say about this sort of posthumous work, these chapters make it perfectly evident, first, that McCombs pressed unduly the strange plan of making Murphy and other party bosses the managers of Wilson's first national campaign and, second, that McCombs demanded appointment as secretary of the treasury or attorney general in the Wilson cabinet.

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And these two facts give the measure of McCombs. Wilson's refusal in both cases is the real reason for the hostile attitude of McCombs. For any candidate to have appointed such men as McCombs urged upon Wilson would have been tantamount to defeat, to say nothing of the unmoral character of the proposed relation. But it is quite conceivable that McCombs would never have published the book; it is also conceivable that the manuscript material is not one continued arraignment of the ex-President.

Of the more recent books on Wilson and his work, that of Mr. Joseph P. Tumulty, *Woodrow Wilson as I Know Him*, is clearly a defense and intended as such. But it is not a history of the critical years that the author was the private secretary of Mr. Wilson; it is a body of personal recollections, notes to the President and now and then a brief reply. The appendix contains the cables, at least in part, that passed between the President at Paris and the Private Secretary in Washington. The very brevity of the written statements of Wilson leads to the view that he never wrote long letters, although this may not be a correct guess. A curious inconsistency of Tumulty is shown in the positive and pressing opposition of the Private Secretary to any sort of alliance between Wilson, the candidate, and Tammany Hall, and in the equally positive effort of the same Private Secretary, a little later, to induce Wilson to assume confidential relations with Roger Sullivan. The critical reader feels that McCombs was no worse in commending Tammany than Tumulty was in commending the Chicago boss.

But on page 99 Tumulty quotes Wilson at some length. The subject is Gideon Wells's *Diary*. It is significant that Wilson had just given that work to his secretary. One wonders how many others received a copy of that important commentary on the intricacies and the problems of the Lincoln administration. And Wilson at once asked Tumulty who in Lincoln's cabinet was like McCombs? Then follows an inconclusive chapter on the McCombs problem. But the story of the selection of Lindley M. Garrison is a little difficult to accept. Being asked for a name to consider for the position of secretary of war, Tumulty went home [Tumulty tells us], took down from his shelves the *Lawyer's Diary* of New Jersey and picked casually that of his fellow-townsman. Of course cabinets may be made in that way. But a President poring over Wells's *Diary* and aware of every blundering cabinet appointment in the history of the country would hardly just hit upon a man for so important a post.

The note of Mr. Tumulty, dated June 18, 1918, shows a certain tone

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that has given rise to a sort of criticism that has somewhat injured the work as a reference on the inner workings of the Wilson administration. One might think the President was being coached what to do, how to do it and when to do it. That is a little too much for one to believe of Woodrow Wilson. Of great value is a speech of President Wilson's, not published elsewhere, made to the Democratic National Committee on February 28, 1920 (not, I think, 1919 as printed in the book), a long address for its author and a very frank statement. The chapter on Prohibition offers a great deal of the argument against that reform, or rather against the method by which it was written into national law. One wonders today whether Wilson is of the same opinion. Ray Stannard Baker, at any rate, quotes another view.

IV

But I must hasten on to one of the great books of the year 1922, *The Life and Letters of Walter Hines Page*. Tumulty endeavors to defend Wilson as a gentle and conciliatory man and leader; Page, the ambassador, seeks to show how unwise and how stubborn he was. Tumulty moderates the view that Wilson lived alone. Page convinces the reader that Wilson would have ruined his own cause, that is Page's cause, if he had followed the advice so warmly and eloquently pressed from London. These volumes of able, beautiful and loyal letters, written under the most terrible strain that a man can bear, urged almost from the outbreak of the Great War the wisdom and the necessity of American entry into the struggle. To the President directly, to Colonel House, to his sons and even to members of the Wilson cabinet, Page makes it his business to urge this course. From the beginning of the German war, Page was in disagreement with his chief. When the *Lusitania* was sunk, he was ardently in favor of American participation, and long before the election of 1916 he was ready to give up his post out of sheer disgust at neutrality. That was natural for an individual; many Americans at home felt that the great attack of Germany upon civilization in August, 1914, ought to have been assailed by the United States, affronted as its thoughtful people were, at the German contempt of all they held dear.

A statesman, however, must have seen, with Wilson and Roosevelt, that American intervention was out of the question either at the beginning of the war or before the presidential election of 1916. The country, as all men must know, was not then, is not now and is not soon likely to be racially or economically a unit or a near-unit. Anyone who knows the state of public opinion in 1861 knows that Presi-

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dent Lincoln did not have and could not get support of public opinion for resisting secession. Not until the South committed the grievous blunder of firing on Fort Sumter did Lincoln have anything like substantial popular support and not even then could he have won an election on the question: "Shall we go to war?" The common people do the voting in elections; and the common people have never voted for going to war. In 1862 nearly every state in the North repudiated Lincoln and the war against the South. With all this in the mind of Wilson of the Wells *Diary*, it was useless for Page to urge the President to enter the European war, even if he had been as thoroughly convinced of the blamelessness of the allied statesmen as was Page. These brilliant letters must ever remain noble and honorable evidence of the high-pitched soul of a close friend of Woodrow Wilson; they must also ever remain proof that a President must be careful whose advice, if anybody's, he must follow. Every political party in the United States declared formally in 1916 against American participation in the Great War; and the man who is now President is said to have written the part of the Republican platform that condemned the British blockade of Germany.

Aside, however, from the political ineptitude of the ambassador at London, these volumes reveal a human and far-flung nature that does honor to the country. Walter Page was a Southerner of the slave-holding social stock, as indeed was Wilson; he was a gentleman born, rather than bred; and he was a nationalist of the finest type. He had been a friend of Wilson from the time Wilson became a professor at Princeton and both had been friends of James Bryce since 1889. Bryce was one of the finest specimens of the English race. Page was an American of the older element. And Wilson was Scotch "on both sides for eight generations." Here were three as fine products of English-speaking civilization as could well be brought together. Bryce was a liberal who, when the issue became clear-cut, ever supported British imperialism; and he lost the friendship of Wilson on that issue. Page was an American of democratic tendencies; but Page slowly lost the political friendship of his friend in the White House, because he could not accept the slow and trying test of democracy to which the war subjected him. And Wilson, instinctively as much of an aristocrat as any of them, parted company with these dearly beloved friends, because he sought ever to know the slow-moving mind of folk at country cross-roads, the men and women who must, first and last, pay the terrible cost of war in blood and treasure. It was a pity; it was tragic for Page. How beautiful and at the same time solemn is that scene,

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described in these pages, when Wilson saw Page at Shadow Lawn in 1916. The Ambassador talked, talked and upbraided for hours, only as one talks to and upbraids a life-long friend. The great guns of Germany were getting ready to sweep away the armies of Rumania. Even German submarines were threatening the coast and business of the United States. The country was feverish. Mr. Hughes was going about the land trying to induce the President to say he intended war upon Germany. Mr. Roosevelt was trying to tease him into a positive committal. Both of them were fully aware that any such committal would ruin him and his party. Never was a leader in a more difficult situation. If Wilson had wished to ruin the cause of the Allies, he could not better have served that purpose than by making a single statement to the effect that he intended going to war, for it would have so bedeviled the American situation that a successful Republican candidate could not have gone to war before it was too late.

Page wrestled with Wilson. Wilson talked long and earnestly. Sometime we shall know what Wilson said, perhaps; but Page does not quote him. The two parted company. It was the last time they were to meet. The ambassador was to go back to his awful prison in London. Wilson was to continue the difficult task of leading a complex and disunited nation. As they parted Page put his arms about his old friend. Tears fell from Wilson's eyes. That alone should have told Page what could not then be spoken, for Wilson had come slowly to doubt Page's discretion. The beginning of this doubt is shown in the best letter of Wilson's I have ever seen, that of January 6, 1914. It was simply a case of better judgment as to the way to serve mankind, that is all—not better natures. How poignant must have been Mr. Wilson's grief when the last sad dispatch reached him in 1919 just at the beginning of his great ordeal at Paris!

There is, with all the author's genius for high things, a note running through these pages, for example on pages 220 and 221 of volume I, that somehow compels the true democrat to falter. Page ever thinks of the United States as qualified for the mission of "setting up" other peoples, for cleaning up yellow fever and the like—a noble thing. But then there occurs here and there a sentence like this: "we can dominate the world in trade and in political thought" (I, 221)! And when the unquestioned fitness of the United States to dominate is out of mind there is the notion that Great Britain will dominate what the United States does not dominate. The word "dominate" does not ring democratic; and the United States once fought a great war just for the chance to be democratic. Germany

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wished only to dominate the trade and political thought of the world, at least before the fight began.

V

While both the author and the editor of the Page letters intend on occasion to condemn, even damn, the strange man of the White House, Mr. Ray Stannard Baker, in his three volumes, *Woodrow Wilson and World Settlement*, makes it perfectly plain that the President of the United States at Paris did all that man could well do to give the world a better order. Baker is not an historian, but the historian will find little fault with the method or the execution of this work. Baker was not in high office, like Mr. Page; but, like Page and Lane, he had been of the old Roosevelt following in the days of "muckraking"; and also like these and many others he had joined the Wilson movement with great hope and expectation. Unlike Page and Lane, Baker did not keep in close touch with Roosevelt during the days when Roosevelt was ridiculing the President as "Professor Wilson" and otherwise making the delicate task of the nation's leader even more delicate. Baker was a friend of the President all through the long years of turmoil; he was manager of the American press agents who accompanied Wilson to Europe and as such saw Wilson almost every day during the Paris conference. These are good qualifications. They make of Baker an eye-witness; and Baker's sense of values and relations, if not of the intricate historical tangle, enables him to tell the important happenings of those eventful days.

What of the work itself? There are two volumes of five hundred pages each that deal with the orderly procession of events from the day of Wilson's departure for Paris to the day the Treaty of Versailles was duly signed. The chapters treat of the preparation for the negotiations, especially the work of Colonel House and his colleagues; of the problem of open or closed meetings at Paris, on which Wilson was defeated; of the differences with the military leaders of France in particular; of the League of Nations, the spoils of war, disarmament, the demands of Italy, the Rhine boundary, reparations and the rising tide of opposition and even violent demonstrations in the United States. I think of only one subject omitted by the author and that has been omitted by every commentator on the treaty, namely the great concessions the United States asked and received. It is a comprehensive and an entirely competent treatment of one of the great subjects of history. It must be used by students and public men for many, many years to come. And, notwithstanding the friendly personal relations

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of the author to the then President, there is no laudation, no personal note that in the least weakens the story. One may well pay tribute both to Mr. Baker and his publishers for this monumental production.

Lest the reader get the view that these volumes rest upon mere observation and "Wilson information", I must add that Baker has made use of the official documents of the Paris conference, all the papers that Wilson retained for his own guidance and his own record, including the minutes of the Council of Four and the reports of the various expert commissions on whose findings the decisions of the heads of the great states turned. The third volume, a collection of the more important documents, gives to the whole work the character of historical veracity which it is apt to retain. There is no "whitewash", as some have imagined there would be. The text of the two narrative volumes as well as the contents of the documentary part of the book shows beyond a doubt that the President of the United States labored as no other representative of any country labored, with the possible exception of M. Clemenceau, that he initiated most of the proceedings and discussions, that he did his utmost to bring the representatives of the European nations to adopt a safe and an unselfish peace, that he warned against the amount of the reparations awarded France and England, and that he did secure from Japan and Italy promises to refrain from violating his doctrine of self-determination of peoples. The amount of important work done, the influence of the country's commissioners and the spirit of its leader, as shown in these volumes, must some day command the unanimous approval of historians.

While Mr. Baker omits reference to the concession of a free hand in Spanish America, he does indicate what must surely one day appear as the weakness of the American position. In volume II, p. 333, he says:

> In short, while requiring the payment in full of Europe's debts to us, we were also demanding a removal of all economic barriers so that our unharmed and mighty private business interests could rush into every market. At the same time that we were arguing—and rightly arguing—that France and Great Britain abate exorbitant claims to reparations in order to bring about the common good of Europe, we dared not offer to abate anything for the common good of the world. We argued that Europe must co-operate and sacrifice in order to pay her debts to us—but we could offer nothing but postponement in return.

This was really the crux of the problem at Paris. It was a new world situation. The United States, because of the war, had become

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the richest and most powerful of all nations. The western Allies, whose soldiers had fought four disastrous years, were in debt to their own peoples to the limit of safety. They were in debt to the United States in the sum of ten billions. But public opinion in the United States insisted on regarding the situation as merely ordinary: it was a war for the Allies in which the United States had at the last moment interceded to save these same Allies from ruin; it was not a war for a new world order; Wilsonism was in no sense the objective for which the country had shed its blood or spent its gold; individuals and corporations in the United States had become enormously rich because of the war; that had no bearing upon the problem; the United States held a perfectly legal bond against the resources of the allies; it could not think of sacrificing any part of that bond. Moreover, the United States had long asked Europe to recognize the Monroe Doctrine as covering American domination in all Spanish America—domination is the word Mr. Page used. Europe had never officially recognized that doctrine. It must do so now. These amounted to the greatest economic and moral concessions; they were indeed the great facts that made the United States the one victor in the World War. And, Baker says, the country at that moment asked the freest access to all European markets, while its leaders at Washington were at that moment planning to raise tariff walls that would bar vast quantities of European goods. This was the hard situation. Wilson saw it. He proposed a new international system in order that all nations might share in the benefits of the war and ultimately bear together the burdens it had imposed. Wilsonism meant a sort of United States of Western Civilization. The attitude of public opinion in the United States, democratic opinion too, for the majority was clearly of that way of thinking, was opposed to any such beneficent world order.

Baker's work is a notable one. It reveals much that has not been well understood. It does not intentionally omit important subjects. And it shows beyond a doubt what the essence of Wilsonism was and what the basis of further discussion of the subject must be. The ill man in Washington, whose birthday has already become an event commented upon by friends and foes alike, did clearly formulate a new world order. He began by setting an example of national sacrifice in Mexico, by limiting the claims of American bankers and other business men in the Far East, by proposing the omission of all reference to the Monroeism of recent American history and finally by asking all other nations to do the same. The Fourteen Points summed up the philosophy; the American participation in the European war hallowed the

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program; and the conference of statesmen at Paris was to have put it into effect. That final consummation the people of the United States defeated. That is the plain and cruel fact; it is the solemn warning democracy has made to those leaders of men who in the future may seek to bless mankind by asking mankind to make great sacrifices.

As I close, the query with which I began arises: "Is there such a thing as Wilsonism?" One wonders. Perhaps there is; possibly the people of the United States, with their measure of Christianity, their great universities and their innumerable schools, filled with the youth of rising generations, will come to see that the ideas so widely preached and so nobly sustained in the ordeal of battle offer about the only hope of safety to a civilization which Henry Adams in his last message to the world insisted was in dire straits. What would not the country have to say in its heart if Wilsonism should become the established order?

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REVIEWS

The History of the Balkan Peninsula from the Earliest Times to the Present Day. By FERDINAND SCHEVILL. New York, Harcourt, Brace and Company, 1922.—558 pp.

A Short History of the Near East from the Founding of Constantinople (330 A. D., to 1922). By WILLIAM STEARNS DAVIS. New York, The Macmillan Company, 1922.—408 pp.

The Western Question in Greece and Turkey. A Study in the Contact of Civilizations. By ARNOLD J. TOYNBEE. London, etc., Constable and Company, Houghton Mifflin and Company in the United States.—420 pp.

All of these books are well written by thoroughly reputable historians. The first two are certain to be competitors, since they are textbooks covering practically the same ground, organizing the material in much the same way. Either of them, plus Professor Toynbee's most remarkable work, should give the reader a thorough basis for understanding the contemporary magazine presentations of the Near Eastern tangle of 1922-3.

The arrangement of the Schevill and Davis histories is substantially that already familiar to many American students through the syllabus of Professor Clive Day on *The Balkans*, prepared for the Institute of International Education and sent out to its International Relations Clubs, and its companion on *The Near East* by Professor Lybyer. As English textbooks, the two works are far superior to anything previously available. Miller's book on the Balkans is out of date, and the volume by Forbes, Hogarth, Mitrany and Toynbee inevitably suffers from repetition and from the emphasis which specialists place upon the nationalities of special interest to them, exaggerated by condensation. The advantage in unity gained by presentation of the entire subject by a single occidental witness like Professor Schevill or Professor Davis is very great.

Professor Schevill's book is the longer by 150 pages, nearly all of the additional space being given over to the nineteenth and twentieth centuries. To this period he devotes 243 pages, as compared with Professor Davis' 108. Chapters ix to xiv in the Davis

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work take up at some length the rise and spread of Islam and the Arabian civilization based upon it. This again lends to the general effect of spreading the emphasis fairly evenly over the chronological period covered, instead of cumulatively stressing the modern part of it, as does Professor Schevill. The latter writes more in the manner of the younger historians, not only in respect to this matter of proportion, but also in the greater amount of analysis and interpretation. His short, carefully selected bibliographies by sections, collected and arranged at the end of the book, will prove of great value to the reader or teacher who wishes to look up topics in more detail.

In the reviewer's opinion, reinforced by consultations with students and colleagues, even Professor Schevill's work could be improved by more analysis and interpretation. For example, the "characteristic Turkish mentality" and "characteristically nomad and Asiatic outlook" of the Ottomans, admittedly of overwhelmingly non-Turkish blood, he finds and leaves a "riddle" (p. 178).

As a matter of fact, the "characteristically Turkish mentality" is a myth. The Ottomans did not teach the Byzantine and Balkan peoples anything new about governmental rigor or atrocity. Even the Janissary idea was not new, or as bad as it has been painted, if we view it in its proper Near Eastern setting. Ottoman responsibility for the decline of eastern Mediterranean trade has been effectively disproved by Professor Lybyer. There was no startling lack of either statesmanship or tolerance up to the sixteenth-century conquest of the Holy Cities of Islam and assumption of the caliphate.

Nor was the Ottoman attitude "characteristically nomad." The nomads, Timur for example, did not found empires to endure through centuries and finally shake down to intense national consciousness like the Anatolia of 1923. Ottoman society inherited the broken and disorganized fragments of previous failures on the same site, not yet dead enough to be inert and easily workable. An amazing revival and florescence followed. Even the well-nigh superhuman task of shaping such stubborn material might have been accomplished but for factors quite beyond the control of the Osmanli or of anyone else in their situation. I refer to the extraordinary economic growth of western Europe, at the time most unfortunate for the Turks, who were holding the bag which had meant vast empire at the one period in world history, when it was substantially empty.

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For the rest—the reaction of this new western civilization upon the Near East—Professor Toynbee's book is more than a suggestion of how its significance may be brought out. Considering the breadth of the task he has assumed, the study is itself compact, and any brief review can give only the remotest idea of the various interlaced theses.

As the Anatolians "had once turned from Hittites and Phrygians into Greeks, so they turned again from Greeks into Turks, under the influence of a few nomad intruders." This was because the "education and the mental life which maintains the distinctive character of a civilization were confined to a handful of lay and ecclesiastical landowners" (p. 113).

In consequence of the Industrial Revolution, the West overshadowed the East. Its sheer force compelled imitation. Turkish nationalism was almost the last to be awakened in the Near East. It was born in the Balkans, fanned into flame by the opposition of Greek, Bulgarian, Serbian and Rumanian groups. A Wells may cry out against the follies of nationalism in western Europe, but here there is at least some connection between medieval and modern realities. The same peoples live in about the same places as of old. In the Near East, the appeal to history becomes a caricature. "The continuity has been interrupted; the past offers not foundations but treacherous ruins." Asia Minor "abounds in imposing remains of medieval and classical antiquity, and the very stones cry out to any one who is foolish enough to lend an ear." Greeks and others have tried to repopulate in imagination ancient ruins whose very sites moulder beneath the tread of new peoples, facing new realities.

Over it all looms the shadow of Western economic civilization, affecting every phase of Near Eastern life, amoral and disastrous because the West is largely unconcerned about its vast influence upon Levantine affairs. But the Near-Easterner cannot realize our lack of preoccupation with his problems. From his point of view it seems inevitable that our acts are acts of will, that their consequences loom as large before our eyes as before his.

This conjunction of great effect on other people's lives with little interest in or intention with regard to them, though it is common enough in human life, is also one of the principal causes of human misfortunes; and the relationship described in my allegory cannot permanently continue. Either the overshadowing figure must turn its head, perceive the harm that unintentionally it has been doing, and move out of the light; or its victims, after vain attempts to arouse its

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attention and request it to change its posture, must stagger to their feet and stab it in the back (p. 2).

From the angle sketched above (before the happenings of last fall), Professor Toynbee interprets events down to March, 1922. It is a tale of atrocities and counter-atrocities, of foolish military adventures backed by duped European governments, of attempts to lay down frontiers where there were none, instead of aiding heterogeneous groups of people to work toward peaceful cooperation. A "settlement" was within the realm of possibility just after the armistice, but not now. Only time and patience can undo the wrong we of the West have done.

However much the reader may agree or disagree with arguments or conclusions, he can hardly escape the conviction that an intricate and momentous problem has been approached with intelligence, first-hand knowledge and a deep concern for the welfare of both Greeks and Turks. As a personal witness to Greek atrocities upon Turks, it is perhaps inevitable that the author in his seventh chapter on "The War of Extermination" should seem anti-Greek in spirit. In view of the later massacre of Greeks at Smyrna and elsewhere, this chapter is of very great immediate interest to the student of contemporary history.

Appended to the work (pp. 371-386) is what the author styles a "list of books"—a very good condensed bibiliography which he refuses to dignify by that name. In a rare spirit of self-criticism, he characterizes his own wartime work, *The Murderous Tyranny of the Turks*, as "An example—perhaps not worse than the average—of the wrong attitude towards the 'Eastern Question'."

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The Life of Ulysses S. Grant. By LOUIS A. COOLIDGE. Boston, Houghton, Mifflin Company, 1922.—xix, 565 pp.

The American equivalent for raising a man to the peerage is to nominate him for the presidency. With a quixotic generosity that regards the highest office in the land as a reward for conspicuous exploits rather than as a responsibility calling for exceptional administrative talents, the American people have three times bestowed the chief magistracy of the republic upon military heroes with little or no political training. Zachary Taylor died sixteen months after his inauguration, but Andrew Jackson and Ulysses S.

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Grant each served through two full terms. Jackson's career was all of a piece. No historian would accuse him of consistency, but there was a persistency in him which made mere consistency seem as negligible a virtue as Emerson would have us believe it to be. Jackson's masterly will dominated the men around him. His policy was swallowed up in his personality. With Grant it was different. His elevation to the presidency marked a sharp bisection in his public life. His dual career of general and president has been commonly recognized. The historians (Schouler, Rhodes, Dunning) and the biographers (Garland, King, Edmonds) have dwelt *con amore* on Grant's military achievements, but have treated his presidential years in a tone of regretful censure or hesitating apology.

Mr. Coolidge in this centenary biography of Grant presents an entirely different point of view. The book was written, as the author states in his preface, "for publication in the American Statesmen Series to cover the years following the Civil War up to the time of Grant's retirement from public life." Although the first twenty-two chapters (more than a third of the book) are devoted to Grant's early life and military career, the author refers to these chapters as "introductory". His purpose is to show that Grant's "success as President" was "hardly less significant than his success in war". "In constructive achievements", he says (p. 532), "coming as it did after the demoralization of the war . . . Grant's administration ranks second only to that of Washington, who had to set the government in motion under the Constitution. He might safely leave comparison to history. If we accept the baneful southern problem which was bequeathed to him, and where his fault, if fault there was, lay in the rigid execution of the law, it would be hard to place the finger now on an executive policy approved by him which subsequent experience has condemned." In a word, Mr. Coolidge has written not merely a defense of Grant's administration, but an aggressive, laudatory, almost adulatory, endorsement of his hero as worthy to rank with the greatest of our Presidents.

We need not dwell, therefore, on the "introductory" chapters covering Grant's early life and his military career, except to say that, in strange contrast to the main part of the book, they are quite as frank in admitting Grant's shortcomings as are his severest critics. The author knows that Grant's military reputation is established beyond any serious harm from adverse judgments on any part of his tactics or strategy at Donelson, Shiloh, or Cold Harbor. There are here and there statements to which we should take exception in

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the author's very well proportioned and well told story of Grant's wonderful progress from Cairo to Appomattox. McClellan can hardly be said to have been "wearing out the patience" of the Army of the Potomac by "marching up and down" the Peninsula in the spring of 1862 (p. 65); Pillow and Floyd fled *up* and not "*down* the Cumberland to Nashville" when they deserted Buckner at Donelson (p. 73); if Lincoln was "worried" lest Grant should play the rôle of the "man on horseback" and seize the reins of power, and if his "unrest" was "dissipated" only by Grant's letters to private friends that he was "not a candidate for any office" (pp. 141-142), these facts have not come to the knowledge of the historians.

Especially open to criticism is the author's description (pp. 152-153) of the confident attitude of the South at the beginning of the year 1864. "Rebellion was in flower when Grant was put in chief command", he says . . . "The South still thought itself impregnable" . . . "Her people, trusting to their press, looked upon Grant's achievements in the West as, at the worst, sporadic northern victories; while in the East, which to their thinking was the real seat of war, they could see nothing but unmarred success." This is not the opinion of the leading historians of the war. The failure of the offensives in Maryland and Kentucky in the autumn of 1862 had been a dampener on southern hopes and the disasters of Gettysburg and Vicksburg the next summer had put the southern armies for the rest of the war on a defensive that was only occasionally relieved by movements like Jubal Early's cavalry raids or Hood's dash on Nashville. True, there was a brave tone in the legislative halls, the army headquarters, and the editorial offices of the South; but it was mixed with a great deal of whistling to keep their courage up. With the Mississippi in Federal control, the border states virtually cleared of Southern troops, the effective area of the Confederacy confined to the seaboard states of the Atlantic and the Gulf, and the Federal blockade threatening starvation and commercial ruin, the southerners saw a great deal in the situation in the spring of 1864 that was not "unmarred success". There were even generals, like "Dick" Taylor and J. B. Gordon, who feared that the "game was up" after Vicksburg.

Mr. Coolidge's treatment of Grant's administration shows no evidence of sources of information beyond the thirty-odd works (mostly biographies and reminiscences) to which acknowledgement is made in the preface. There is no new material presented. All

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the important events of the period are faithfully treated in a style that is direct and simple without ever becoming dull. There are but few errors of fact, as, for example, the statement that the South "would reluctantly have taken the Fourteenth Amendment had it not been for Johnson's influence" (p. 241), or that "Napoleon knew [in 1866] that Grant would almost certainly in a few months be President" (p. 244), or that Georgia "had been represented in the House of Representatives since 1868 under Johnson's reconstruction" (p. 363), or that tariff reform was "the one live issue outside Grant's personality upon which the promoters of the [Liberal Republican] Convention came nearest to being united" (p. 415). The really significant part of Mr. Coolidge's book, the very purpose of the book, one feels, is to show the consistent wisdom and justice of the President.

Whatever went right in the administration, according to Mr. Coolidge, owed its success to President Grant; whatever went wrong owed its failure to some one else. For example, in the diplomatic negotiations resulting in the settlement of the Alabama claims with England and the *Virginius* affair with Spain, Secretary Fish is allowed only a dimly reflected glory. He "could never have succeeded in his diplomacy if he had not felt Grant behind him all the time approving him in every stand he made" (p. 304). "Fish was far-seeing, firm, and sensible, but he would have been quite futile without Grant" (p. 522). The fact is that Grant at times would have been not only quite futile but quite mischievous without Fish. It was the Secretary's far-sightedness and firmness that saved the President from the folly of issuing the Cuban belligerency proclamation in August, 1869, and dictated the wisdom of the Cuban message of June, 1870. Grant himself, more generous than his biographer, said to Fish in the summer of 1870: "On two important occasions at least your steadiness and wisdom have kept me from mistakes into which I should have fallen" (see Rhodes, vol. vi, p. 346).

Again, in Grant's failure to do anything to hasten the restoration of good feeling in the South, which the *Springfield Republican* in an editorial of April, 1871, called "the worst of his many mistakes", Mr. Coolidge sees no cause for blame of his hero. Grant was "driven by events" and "by the perverseness of the time" into a position where "he could align himself no otherwise than with the advocate of wholesale suffrage for the negro in the South, protected if need be by military force" (p. 229). "His fault, if fault

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there was, lay in the rigid execution of the law" (p. 533). But it was not the execution of the enforcement legislation so much as its "urgent recommendation" by the President (see Grant's message of March 23, 1871) that disappointed the hopes of the men who had applauded his generous sentiment toward the South in 1865.

The truth is that President Grant, for all the "firmness" and "wisdom" attributed to him by his biographer, was peculiarly susceptible to the malign influence of men like Conkling, Morton, Carpenter, Cameron and Butler, who were bound to make a good radical of him. His association with rascals like Jay Gould and Jim Fisk and his loyalty to men of such unsavory character as Murphy, McDonald, Babcock, and Belknap proved that he was sadly lacking either in the wisdom to detect crookedness in men in high places or in the firmness to resist their attraction. Mr. Coolidge admits that Grant was "unfortunate in the choice of some of his companions", but he turns this error of judgment into a merit of heart. "We cannot blame the faith with which he clung" to these men: "though they might be at fault, his instinct was to shield them from attack. In the grim chase of justice his heart ran with the fox and not with the hounds" (p. 474). Was there ever such sophistry in a simile! As if a fox-hunt were a "grim chase of justice" and not a merry sport of cruelty! And as if a President of the United States had any place in a "grim chase of justice" except at the head of the pursuers!

Much more might be said, if the limits of this review permitted, of Mr. Coolidge's treatment of the dismissal of Secretary Hoar, the resignation of Secretary Cox, and the attitude of the administration toward reformers like Schurz, Trumbull, Bowles and Curtis, who were "so busy throwing remorseless light on faults which now, when we look back on them, seem trifling" (p. 398), and who criticized Grant "chiefly because he lacked the social atmosphere to comprehend their point of view" (p. 382).

It is not pleasant to write a review of this kind, but no other course is possible when the author makes so bold a challenge as: "those who criticize his [Grant's] administration and condemn him for his choice of advisers might first point out what statesmen of his day would have done better in his place and what advisers would have aided him to more beneficent results" (p. 273). Many a statesman (Fessenden, Trumbull, Hoar, Adams) would have done better in his place, and almost any advisers would have "aided" him better than Ben Butler, Matt Carpenter and Don Cameron.

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By his transcendent services in the Civil War General Grant merited the undying gratitude of the American people. For his magnificent exhibition of courage, faith and honor in the mortal pain of "the last days" at Mount McGregor, he will be held in everlasting veneration. But as a President, Grant was not an heroic figure, and any ill-advised attempt to dress him in the toga of George Washington must inevitably provoke protest.

DAVID S. MUZZEY

The Foundations of American Nationality. By EVARTS BOUTELL GREENE. Volume I of *A Short History of the American People.* New York and Chicago, American Book Company, 1922. —xii, 614, xl pp.

After reading Professor Greene's volume covering the beginnings of our history before 1789, one inevitably finds himself in a reminiscent mood, harking in mind back to the days, not very remote, when text-books of our colonial history were so constructed as to discourage any student with a natural bent toward history from pursuing the subject further, and leaving him with the impression of colonial America as a compound of explorations, Indians, and scattered settlements, largely isolated from the world outside, and divinely ordained to produce in the course of time a government and people of superlative excellence. Two things were lamentably lacking in these old school books: first, continuity of treatment—an omission which shows that the writers were telling the tale of the American continent and not of the American people and had not grasped a fundamental idea in education, that history should be a story and not a scrap-book; and secondly, a recognition of the significance for our history of the Old World, from which the settlers came and with which they were in close and continuous contact throughout the entire period of their colonial experiences. It is hardly necessary to add that at a time when history was still "past politics," no sufficient attention was paid to other phases of life than had to do with government and administration, war and revolution, and that such information as was volunteered regarding things social, industrial and commercial was relegated to separate chapters, instead of being woven into the narrative as an integral and necessary part of it. No attempt at comparative treatment was made, either in large books or small ones, and I remember well the welcome that was given to almost the first book that abandoned the boundaries of the individ-

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ual colonies and gave us a comparative study of a very important colonial institution, the royal governor, a study by Professor Greene himself. The feeling of hostility toward Great Britain after the Civil War was such as to render it practically impossible for anyone, even if he had conceived the idea, to give in text-book form any adequate expression to views on the colonial relationship with England, or any recognition of what is sometimes unfortunately called the imperial aspect of colonial history. In those days, America was sufficient unto herself and her histories for schools took the form of a mass of disconnected or unrelated facts (with the most interesting parts generally in the footnotes where the stories were told), and was frankly propagandist in exalting her own greatness and justifying her own conduct in all her relations with Great Britain and other parts of the Old World.

It is a far cry from the old Seavey and Goodrich, Barnes, and Montgomery type of text-book to that which Professor Greene has given us, and the path is marked by the names of those to whom honor should be paid, antiquated though their books now are—Lodge, Fisher, and Thwaites, to name only the more conspicuous of them. These men might have written differently had they made colonial history the object of more than a compiler's interest, though at that time the idea that a text-book should be anything more than a compilation was unborn. A new era in that respect was reached with Channing; but it was left for Osgood, as far back as 1892, to widen the horizon by calling attention to the British connections, and for his student, Beer, under the influence of Burgess and Seligman, as well as of Osgood himself, to deal with the commercial aspects of the subject and so to place in our hands the key to our whole colonial story. From that day on a new world has lain open to those who are venturesome enough to go in search of it; and it is matter for wonder that in the older days writers on colonial history should have had no inkling of it and that a man like John Fiske could have worked for weeks in the British Museum without discovering that it, as well as the Public Record Office, only a mile or so away, was a treasure house of colonial manuscripts.

Under the impulse aroused by this widening of the colonial field new contributions began to be made. Channing wrote the first three volumes of his noteworthy history and Becker his volumes in the Riverside Series and the *Chronicles of America*. But these books, admirable and suggestive as they are, are hardly suitable for text-book purposes, and it was not until Bolton and Marshall wrote their

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Colonization of North America in 1920 that we find the new point of view expressed by writers of a work confessedly designed for text-book use. For the first time a book appeared that had an international outlook, and was not planned to deal with colonial history as something peculiarly and solely American—a method of treatment which, despite a few concessions to the newer ideas, has characterized hitherto all text-books of American history. But the Bolton and Marshall ranged too widely for class-room use. Another book was needed, just as a large map is needed to amplify the small section of a key map, and this book is what Professor Greene has written. It is far and away the best and most useful and compact treatise on colonial history thus far produced and it is the work of a scholar, who is himself a contributor to the subject and competent to appreciate and evaluate the writings of others. It begins with the European inheritance and follows all aspects of the colonial story as a continuous narrative down to the year 1789. It is abreast of the best work in the field, embodying not only much that others have furnished but also a great deal that Professor Greene has furnished himself; it is clearly and fluently written, and it holds the reader's attention, because it stresses essentials without overloading the text with details. It is fair-minded and shows everywhere an admirable spirit and temper, giving adequate space, not only to the English end of the story, but also to the part played by the South and even by the West Indies, as far as it was necessary for its purpose. These are admirable characteristics, for usually text-books of American history deal with the English end very meagrely, overstress the influence of New England and the Puritans, and leave out the West Indies altogether. Furthermore, the work weaves into the story a great variety of essential factors—commercial, industrial, and financial, as well as political, administrative, and social, and makes a real contribution in all that it contains regarding the religious side of colonial life, a subject to which Professor Greene has paid much attention.

It is inevitable that the book should be open to some criticism. Occasional chapters seem too impressionistic for class-room use, embodying too few names, dates, and other details that would serve to illustrate and organize the narrative. At times the treatment lacks imagination and the dramatic touch, and is gentle even to colorlessness. The style, though always easy and graceful, has no special distinction and is wanting in a certain ruggedness that would help to emphasize and drive home important points that need especial

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stress, if they are to be impressed on students' minds. But such criticisms are of little importance, and the defects of this admirable book are trifling as compared with its very substantial merits.

CHARLES M. ANDREWS

YALE UNIVERSITY

Problems in Pan-Americanism. By SAMUEL GUY INMAN. New York, George H. Doran Company, 1921.—xii, 415 pp.

The reviewer read this volume with mingled feelings of commendation and disapproval. On the whole, his judgment is favorable.

The author has for many years been engaged in Protestant church work which has taken him to every part of Hispanic America, especially to Mexico, where he resided some ten years. He is at present Secretary of the Committee on Cooperation in Latin America, which "represents a large movement among the churches of the United States to cultivate friendly relations with their Southern neighbors." There can be no quarrel with the author's objective, which is to promote a true Pan-American friendliness. The following chapter-titles give some idea of the scope of the work: Assets of Latin America; Problems of Latin America; Early efforts toward Pan-Americanism; Early efforts of the United States toward American friendship; The Monroe Doctrine and Latin America; Pan-American conferences; Latin America and the World War; Problems of the Caribbean countries; Pan-Americanism *vs.* Pan-Latinism; Next steps in inter-American friendship.

The book contains an amazing stock of information, including valuable quotations from public documents, speeches, articles and other men's books. Good brief accounts of numerous relationships of the United States with Hispanic American countries are given. While few of these are altogether satisfactory, they are, on the whole, a fair statement, and their shortcomings may be charged in a measure to lack of space. The "Sources of further information" at the end of each chapter and the general "Bibliography", while inadequate and technically bad in form, are helpful. The book is interestingly written, and holds the attention throughout; the author's personal experiences serve often as useful and entertaining illustrative material.

Among noteworthy items are the following: certain geographical comparisons, to bring out the size of Hispanic America (p. 16); a summary of the constitution of Uruguay (p. 38); a refutation of

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the "Canning myth" (p. 151); Mr. Root's interpretation of the Monroe Doctrine (p. 153); a reminder that Argentina, Brazil, Chile, and especially England have shown tendencies toward imperialism, as well as the United States (p. 173); the Platt Amendment (p. 277); statements such as those of Ferrara (p. 177) and Barcas (p. 351) offsetting numerous Hispanic American diatribes against the United States (e. g. p. 338); striking comments on latifundia (p. 64), illegitimacy (p. 69), immorality (p. 70), venereal disease (p. 71), lack of sanitation (p. 72), illiteracy (p. 79), education (p. 86), moral weakness (p. 86), and lack of religion (p. 89); an indictment of North American diplomatic (p. 377) and trading (p. 389) methods in Hispanic America; and Quesada's argument about the importance of the universities in promoting Pan-Americanism (p. 392).

The reviewer feels, however, that he would be lacking in his duty if he should not point out, in kindly fashion, he hopes, some of the defects of the work. These proceed, the reviewer is inclined to believe, from a lack of thorough training in research and, despite the author's vast store of knowledge, from faulty historical perspective. The reviewer cannot agree that it is proper "to help us magnify the good qualities of our neighbors and scrutinize carefully our own bad qualities as the best policy for building international . . . friendships." Indeed, the author's method of treatment seems more likely to hinder the cause of Pan-Americanism than to help it. The Hispanic American will find confirmation of much of the worst that he has believed about the United States, and will learn—especially from a perusal of the first chapter—that he himself is infinitely superior to the North American. The North American, if he should follow the author unreservedly, would be grievously disillusioned and probably veer too far in the opposite direction after a visit to Hispanic America. The inevitable outcome is an injustice to both the United States and Hispanic America. The trouble is due, not so much to misstatements of fact, as to vital omissions. There is not a line about the extraordinary development in the United States during the past twenty-five years of interest concerning Hispanic America. Granted that our information is still not more than twenty per cent of what it ought to be, it is worthy of note that it has advanced from about two per cent, a quarter of a century ago. Indeed, it would be strange if the general reader should not put down this volume with a feeling of pessimism about the whole subject of inter-American relations,

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despairing especially of his own country. In fine, Mr. Inman has, no doubt, told the "truth" and "nothing but the truth", as he sees matters, but he has fallen short of the "whole truth," which should always be the business of the scholar.

The following are a few of the less fundamental defects. All unconsciously, perhaps, the author fails to avoid a certain bias against the Catholic Church and against the Republican Party. The reviewer, in extended tours during 1920, 1921 and 1922 in Hispanic America, failed to note even the slightest "enthusiasm" for the League of Nations or the indications of religious revival discovered by Mr. Inman. The author's figures on economic relationships of the United States and Hispanic America are entirely misleading, as they are based on the post-war inflationary period, an abnormal epoch whose effects are already disappearing. And it is to be regretted that he clings to the term "Latin America" instead of "Hispanic America," which has been adopted by the Romance language and history professions in this country.

Nevertheless, the reviewer wishes once more to insist on the value of Mr. Inman's work, especially to the man who is already moderately well informed about Hispanic America.

CHARLES E. CHAPMAN

UNIVERSITY OF CALIFORNIA
BERKELEY, CAL.

Secret History of the English Occupation of Egypt. Being a Personal Narrative of Events. By WILFRID SCAWEN BLUNT. New York, Alfred A. Knopf, 1922.—xi, 416 pp.

Upon this sensational volume a number of American critics, more captivated than captious, have lavished the most extravagant praises. When reviewers accept a "secret history" such as this at its face value as a significant and startling revelation, there is good reason to deplore their gullibility, or carelessness. Blunt's work has been accepted the more readily because it tells us what we should like to believe. It gratifies the keen desire of "liberals" to see popular fallacies exploded and inflated reputations punctured. It purports to prove that England's seizure of Egypt was an outrageous piece of villainy, too long concealed beneath a flimsy veil of Anglo-Saxon hypocrisy. The veil is to be stripped off and the naked fact disclosed.

Such a book can hardly fail to challenge the faith of those who believe with Kipling that "the White Man's Burden" of ruling

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over backward races was shouldered by our genial neighbor John Bull solely for the purpose of benefiting the backward races. The English-speaking peoples have long been accustomed to accept the statement that English rule over African and Asiatic peoples has been wisely beneficent, and that in Egypt, above all, English imperialism was shown at its best. Does not Lord Milner, that great British empire-builder, tell us in his book on *England in Egypt* that England intervened to save the people of the Nile from oppression, bankruptcy and Mohammedan fanaticism? Does not Lord Cromer, the British proconsul who ruled over Egypt for a quarter-century, declare that the Englishman entered Egypt "not as a conqueror", but in the familiar garb of the saviour of society? To be sure, Lord Cromer's two stout volumes on *Modern Egypt* might be regarded by a judicial mind as *ex parte* evidence; and Lord Milner is hardly an impartial critic of British imperialism. Nevertheless, the testimony of Cromer and Milner has won credence, and popular writers have dealt with Egypt in the spirit shown by the following excerpt from a fairly recent work: "Great Britain has most happily demonstrated [in the case of Egypt] how an enlightened European state can free an oppressed and impoverished people from the rule of a corrupt and selfish Oligarchy . . . and set them on the highroad of peace and happiness." (Harris, *Intervention and Colonization in Africa*, p. 329.)

All this, Blunt warns us, is false. He is at least entitled to a hearing, as a distinguished, though erratic, English publicist, who had intimate personal relations with the Egyptian leaders and English officials at the time of the English conquest. Our author was certainly not a dispassionate witness—and no one familiar with his writings or his career could expect him to be coolly accurate—but he was a witness and his testimony must be weighed.

When Blunt first visited Egypt, in 1875, he was a self-confessed believer in "the common English creed that England had a providential mission in the East, and that our wars were only waged there for honest and beneficent reasons" (p. 9). He hoped that Egypt might some day have the good fortune to "share with India . . . the privilege of our protection" (p. 10). Disillusionment, however, awaited him. He arrived just on the eve of the British conquest. Egypt was at that time a province of the Ottoman Empire and was ruled by an hereditary Khedive, Ismail Pasha, as viceroy of the Turkish sultan. How Ismail's wild extravagance led to foreign loans, then to foreign intervention, then to British

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conquest, Blunt proceeds to tell us, with a wealth of circumstantial detail, not unmixed with somewhat irrelevant minutiæ regarding his own personal affairs.

All through the narrative runs a thread of gold. The gold borrowed of Ismail from European financiers seems to have been, as most students know it was, one of the chief reasons for Egypt's downfall. French and English bondholders, who had advanced funds to Ismail, were constantly urging their governments to intervene as debt-collectors. The Rothschilds, the Jewish kings of European finance, move darkly behind the scenes of diplomacy, pulling wires at London, Paris, and Berlin to safeguard their vested interests in Egypt. It was the London house of Rothschilds that lent Disraeli four millions sterling to buy for Britain an interest in the Suez Canal; it was the Rothschilds who persuaded Bismarck to threaten that if France and England would not protect European investments in Egypt Germany would take action (p. 50). Blunt's account of the financial details is by no means thorough, nor is it altogether accurate; but his insistence upon the importance of economic interests is unquestionably justified. Faint praise this; for the author's thesis is far from original, and unless the details are trustworthy his contribution is *nil*.

In writing of Gladstone's decision to send British troops to Egypt, Blunt is merciless. Gladstone, we are told, was two persons: in private, a charming and magnetic Liberal; in public, "to a large extent a fraud" (p. 181). As a private citizen before 1880 Gladstone had put himself on record as opposed to any intervention in Egypt; but after 1880 as Premier, obedient to the "higher duty" of "securing a Parliamentary majority", he ordered British troops to the Nile. That Gladstone was inconsistent, no one can deny. That he could have carried out his principles, despite the pressure of interested bondholders, of European diplomacy, and of Downing-Street officialdom, is at least open to question.

More valuable than his harsh judgment of Gladstone is Blunt's sympathetic estimate of the Egyptian Nationalist leaders, and particularly of Arabi Pasha, who has sometimes been pictured as a disgruntled army officer, chiefly concerned about his rank and salary, and sometimes as a figurehead for Moslem fanaticism. In the book before us Arabi appears as a noble champion of the oppressed Egyptian peasantry, a believer in the fraternity of races and creeds, "free from the least taint of fanatical intolerance in regard to Christians" (p. 100). This laudation is much too generous; nevertheless, it does show the brighter side of the medal.

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It must already be obvious that Mr. Blunt's "secret history" must be taken with more than one grain of salt. The author makes too many misstatements and historical blunders to win confidence. He brings Ismail to the throne in 1860 (p. 12); if Ismail became Khedive before 1863 it certainly has been a well-kept secret. The account of Disraeli's canal purchase needs revision, by the author's own admission (p. 16). On the authority of an Italian diplomat's casual reminiscences, the author hinges his narrative on the assertion that the disclosure of the Cyprus Convention during the Berlin Congress led to a secret bargain between France and England for joint intervention in Egypt and French intervention in Tunis; but an appendix confesses that not the Cyprus Convention, but an Anglo-Russian agreement, was disclosed. In the text, Nubar Pasha is portrayed as a dishonest financier who acted as Ismail's broker, whereas in an appendix, Nubar is exonerated (pp. 14-15 and Appendix II). The account of French intervention in Tunis (p. 93) is absurd. Numerous dates are inaccurate, and in one instance two different sets of dates are given for the same series of events (pp. 217 and 237). To prolong the list would be an ungrateful task. If the American publisher had provided critical notes by a competent historian, Blunt's fascinating *mélange* of truths, half-truths, recriminatory personalities, and generous but misguided enthusiasms, would be a more welcome addition to our bookshelves.

In closing, the reviewer cannot refrain from commenting on the fervor with which Mr. Blunt defends Islam and Egypt. The cause of Islam, we are told, is "essentially the 'Cause of Good' over an immense portion of the world" (p. 92). Therefore, "in God's name", let England "take Islam by the hand and encourage her boldly in the path of virtue" (p. 93). In a long poem appended to his volume, Mr. Blunt grows lyrical, nay maudlin, in praise of the East. One short sample is quoted here, as an exhibit of what in charity we may describe as the author's intemperate zeal.

> "And thou too, Egypt, mourner of the nations,
> Though thou hast died today in all men's sight,
> And though upon the cross with thieves thou hangest,
> Yet shall thy wrong be justified in right."

In this there may be a modicum of rhyme, but of reason there is none.

PARKER THOMAS MOON

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Germany in Travail. By OTTO MANTHEY-ZORN. Boston, Marshall Jones Co., 1922.—ix, 139 pp.

The author of this work spent the latter half of 1920 in Germany and presents herewith the results of his observations of the new situation created by the war and the revolution. In the main he limits himself to a study of moral forces and their proximate results in new cultural values.

In public life and the public attitude toward the new condition of affairs, Professor Zorn finds a state of profound confusion. The Germans have, to be sure, turned against former ideas and leaders, but the visitor is as yet unable to discern any new national ideals that are clearly formulated or in command of a wide following. No poet or thinker has as yet arisen with strong enough conviction either in the field of politics or art to become a Moses to lead his people out of the wilderness of post-bellum problems. Like other visitors, the author found himself amid a welter of factional bitterness, of shrill polemics and fantastic theories. In his description of party programs and his generalizations on the confusion of ideas and impotence of government, Zorn traverses ground which has been well tramped over by the English and American press ever since the armistice, and adds nothing particularly definite in the way of concrete observations. That the revolution was an "outburst of uncontrollable natural forces rather than the expression of any large popular will", and that it came as a result of cataclysmic conditions springing from the war, is certainly true, but scarcely differentiates it from any other successful anti-monarchical outbreak in Europe since 1789. In every case a minority found its wishes suddenly realized when national disaster had brought discredit on the ruling class. The confusion of program and lack of leadership observable in the second year following the overturn, a state of affairs on which the author dwells, are necessary phases of a movement which has preserved an essentially liberal character between communism and reaction. The author, to whom the history of Germany since Frederick the Great presents itself as a battle between the "selfish system we call Prussianism" and an "unprotected idealism", finds now many whose eyes are searching for faith in life and in the nation as a basis for reconstruction, but it is only in a minority, mainly among the lower classes, that he discovers any ardent effort for a constructive adjustment to the newly won liberties.

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Zorn agrees with those who think that leadership, intellectual and moral, has passed from the universities. These have become centres of reaction because they were enslaved by the "system"; their faculties are without courage and their students are fomenters of monarchical disorders. This generalization is somewhat impaired, to be sure, by his statement that the strongest leaders of the Democratic Party, in which he sets his hopes for Germany's political future, are men like Professor Ernst Troeltsch. Certainly a good many other names of liberal leaders in the university faculties could be added and surely a word should be said for the great number of university teachers who are carrying on research programs and doing their best to maintain and extend the tradition of humanistic scholarship in the midst of acute personal economic suffering. Is not this also intellectual and moral leadership?

A valuable part of the work is devoted to a careful analysis of the organization of the *Volkshochschulen* in Berlin, the great afterwar experiment in popular education, controlled by a committee representing the trade unions and popular political parties, and conducted with the cooperation of the higher institutions of learning and the Educational Association of Workingmen. Beside this movement, which the author considers the most promising phase of education in afterwar days, stands the other great popular cultural development, the Berlin *Volksbühne*, which has sprung spontaneously from the lower classes as a collective expression of a great artistic urge. The Drama League of Berlin, with its 120,000 members and its tremendous program and organization, worked out with the exactness of detail characteristic of German associated enterprises, keeps better step with the march of the German spirit toward clarity of ideal, in the author's opinion, than the great national theaters and the much lauded ventures of Reinhardt. Zorn gives a very interesting review of the history of the movement for a popular theater on which the present great undertakings have been built up. In its present stage, it is the most healthful sign of a fusion which is bringing middle classes and workers together into one living body, and tends to still the cries of factional strife in the spiritual realm of a national dramatic impulse.

As a contribution to the study of post-war conditions in Germany, the book has the merit of conscientious observation and vigorous presentation. Here and there the reader would willingly exchange the author's generalizations for specific instances and illustrations, and would welcome a less *a priori* attitude toward political questions.

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Many will not agree that the attempts of the Prussian mind at a political reorganization are "rather helplessly childish". The Weimar National Constitution and the Prussian Constitution, with resulting legislation, have earned quite contrary opinions in the English and American political press.

ROBERT HERNDON FIFE

COLUMBIA UNIVERSITY

Fiscal and Diplomatic Freedom of the British Oversea Dominions. By EDWARD PORRITT. Carnegie Endowment for International Peace. Oxford, Clarendon Press, 1922.—xvi, 492 pp.

The appearance of this volume serves to remind us of the many valuable contributions which the late author has made to the field of colonial history and government. Mr. Porritt belonged to that small group of publicists who were greatly interested in politics for both personal and historical reasons. By reason of his early English training and his subsequent travels overseas, he had gained a breadth of view which enabled him to see both the British and colonial sides of the manifold problems of imperial relations. In politics he was a convinced liberal imperialist. He combined in his political creed the dogma of British free trade and the principle of colonial nationalism. So strong in fact, were his political convictions that he was sometimes tempted to assume the rôle of a political publicist rather than of a scientific historian. But he never consciously became a propagandist or endeavored to turn his scholarly investigations to partisan advantage.

His latest book is characteristic of the man and his work; it reveals both the strength and the weakness of his methods of investigation. He evidently started out with a well-defined thesis as to the course of the fiscal development of the Dominions and thereupon proceeded to gather together a large amount of valuable material in support of his original proposition. But, unfortunately, he failed to take the time to classify his material or arrange it in an orderly sequence, with the result that the treatment is unduly repetitious at times. It is only fair to state, however, that a certain amount of duplication was doubtless unavoidable, in view of the difficulty in following the course of events, synchronously in the mother country and in the several colonies.

The treatment, moreover, is sadly lacking in balance and precision. The author has made good use of the British Blue Books and has

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drawn extensively upon his intimate knowledge of Canadian history and politics, but, strange to say, has failed to consult some of the chief parliamentary papers of the sister colonies of Australasia and South Africa. For all practical purposes, the fiscal history of South Africa has been entirely neglected. Even the chief secondary authorities apparently have not been examined. The Australian colonies have fared little better, save in the case of a few outstanding episodes, such as the fiscal controversy with the British government over the question of intercolonial reciprocity, in which the economic interests of the mother country were deeply involved. But the episodical method of treatment is apt to afford a mistaken, or at least imperfect, interpretation of the course of colonial development; and in this instance it must be confessed, the author has been guilty on more than one occasion of substituting a hasty and often sweeping generalization for a detailed study of the facts.

In truth, Mr. Porritt has been much more interested in the constitutional history of the Empire than in the fiscal and diplomatic history of the Dominions. Moreover, he has been prone to approach the study of imperial questions from the standpoint of the mother country rather than of the Dominions. For this reason, the last two parts of the book, which deal with the attitude of the British government and people towards the colonies during the era of indifference, are, manifestly, the best chapters in the book, though they have little direct bearing upon the subject of the volume. In these chapters, the author writes with the fullness and certainty of knowledge of one having authority and not simply as a distant observer of isolated colonial incidents.

But with all these limitations, the study possesses a distinct scholarly value for all students of colonial history and institutions. The author has not only brought out most clearly the cardinal significance of the grant of responsible government in the development and expansion of the principles of colonial liberty, but he has also furnished us with many interesting contemporary commentaries upon the applicability and working operations of this system of government. Even more valuable, in some respects, is his admirable treatment of the rise and fall of the influence of the Manchester School, in imperial politics. This topic has engaged the attention of many writers in colonial history but it has seldom been handled in greater detail or to better advantage. Not the least praiseworthy feature of the book is the admirable selection of fiscal and constitutional documents to be found in the appendix. These documents afford the

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best illustration of the growth of the principles of colonial nationalism. The author's list of sources and authorities is fairly serviceable, though manifestly incomplete.

This volume, we may then conclude, is a most useful source of information for all students of imperial history and politics. It brings to a fitting close the author's manifold labors in the field of British and colonial politics which he had made so peculiarly his own.

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An Introduction to the Study of Labor Problems. By GORDON S. WATKINS. New York, Thomas Y. Crowell Company, 1922. —xv, 664 pp.

This book is designed to serve as a comprehensive treatment of labor problems in modern industry and the proposals that have been advanced for their solution. It is divided into three parts: (1) The Nature and Development of the Problems, consisting of a brief introduction and short chapters on the emergence of problems in England and the development of labor problems in the United States; (2) An Analysis of the Problems, in eleven chapters (iv to xiv); and (3) Agencies and Methods of Readjustment, in which two chapters, totalling sixty pages, are devoted to labor organizations, and one chapter each to employers' associations, the adjustment of industrial disputes, shop committees, personnel administration, profit-sharing, industrial education, cooperation, socialism, labor legislation and social insurance. The final chapter (xxvii) is devoted to a brief discussion of the basis of progress. A list of "selected references" is given at the close of each of the twenty-seven chapters.

The volume is inclusive in scope, and its organization is fairly satisfactory. The chapters are of very unequal value. Some, e. g., those on Women in Industry and Cooperation, are very good, while others, e. g., those on Labor Organizations and Shop Committees, fall short of what is to be desired. Taken as a whole, the book gives evidence of great industry but also of immaturity and too hasty preparation for publication. The immaturity is evidenced by frequent failure to note important factors in analyzing problems and positions and by uncritical acceptance of many partial or exaggerated statements. Haste probably accounts for the numerous errors and unguarded statements.

As examples of the failure to note important factors, the follow-

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ing cases may be cited. Census figures for "number of manufacturing establishments", "total capital", "total number of wage-earners", and "value of products" are presented (p. 35) to show the increase in the size of industrial establishments, a persistent process of industrial integration, and remarkable progress in the application of machines to production, but nothing is said of the effect of a changed price level on two of the items. The growth of our population is shown by decades from 1790 to 1920, and it is said (pp. 37-8): "the continued decline in the decennial percentage of increase since 1860 suggests that free land as an incentive to immigration has diminished." It would appear that enquiry had not been made into the facts relating to the volume of immigration at different times and to the declining birth rate. Again it is said (p. 498): "Organized labor favors the time wage because it prevents pace-making." Neither here nor elsewhere in the book will the reader find a proper analysis of the several factors which enter in to explain such union opposition as exists to payment by the piece. Nor is he told that there are many unions which do not oppose piece work and a few which insist upon it.

The chapters on Shop Committees and Personnel Administration are filled with uncritical statements and seem to have been put together without proper appreciation of the propagandist character of much of the literature used. Perhaps no enthusiast would claim that in 1922 at least 725 shop committee "plans are functioning successfully" (p. 456). Certainly the natural inference to be drawn from the statement that "nominations and elections [of shop committee-men] are by secret ballot with adequate provision for securing an impartial count" (p. 460) will be objected to by many because it is frequently not true. As one of many unguarded statements in this chapter we read: "shop committees and works councils, functioning through various sub-committees, perform remarkably constructive duties in the introduction of safety devices, the promotion of responsibility on the part of the workers to prevent accidents, the encouragement and maintenance of sanitary conditions, the provision and administration of medical attention, the control of lunch rooms and arrangement of meal hours, and the time for beginning and stopping work" (pp. 461-2). And again, "Whether the shop committee is connected with a labor union, or functions independently, such questions as hours of work, wages, and piece rates, arrangements for holidays, schedule of shifts, night work, and overtime are under its control and administration. In fact these are the funda-

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mental objects of collective bargaining" (p. 462). Not to multiply examples, chapters xix and xx are replete with such statements as those quoted. Nor are other parts of the book free from such misinforming statements.

The following are a few of many loose statements noted: "From seven to nine working days out of a possible three hundred are lost annually by wage-earners on account of sickness and many more because of accidents" (p. 229). "The transportation of migratory laborers is a serious problem; millions of them steal rides on railways" (p. 233). "Cooperative buying was generally introduced following the rise of prices which began in the late summer of 1915" (p. 492). "Most states provide for the carrying of [accident] insurance in a state fund" (p. 625).

Because of the limitations upon this review, examples cannot be given of the numerous errors in presenting matters of fact. Such errors are not the least shortcoming of the book. Fortunately they are easily corrected when revision is undertaken.

H. A. MILLIS

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The Cambridge Medieval History, Volume III (Germany and the Western Empire). New York, The Macmillan Company, 1922.—xxxix, 700 pp., 10 plates of maps.

After a delay of some eight years the editors of this important co-operative work have been able to push forward its publication and have now brought out this the third volume. The plan and execution of the history have been variously estimated, but though individual opinion differs, it has already, on the basis of the first two volumes, approved itself as an extremely useful work to which the student of the Middle Ages wishes constantly to refer. Chronologically the present volume covers approximately the period from the death of Charles the Great to the third quarter of the eleventh century; topographically it concerns itself chiefly with western and central Europe, only incidentally are the Slav states in the east and the Eastern Roman Empire brought into the story. The careful scholarship which characterized the first two volumes has, on the whole, been maintained. And yet, after this has been said, one puts the book down with a feeling of disappointment.

Of the twenty-one chapters in the book sixteen are devoted almost entirely to the narration of events comprised under what is commonly

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called "political history". "The preceding volume", writes Professor Halphen in his chapter on the Church, "came to an end with the picture of a vast Empire seemingly destined to absorb Europe itself. This volume, on the contrary, has offered little for our consideration save the spectacle of Europe fallen into fragments, . . . of disintegration steadily advancing" (p. 443). How true this is one may learn will he but have the patience to follow the story of petty wars and intrigues that baffle and confuse on nearly every page of the first sixteen chapters. No personal quarrel between two more or less insignificant princelings seems too unimportant to chronicle.

The soil of what is now France was fruitful of the most constant and seemingly pointless struggles between the various nobles. Wars were undertaken, alliances entered into and broken, as the interest or supposed advantage of one or the other contestant indicated (*cf.*, for example, p. 109). And through it all there seems to be no adequate attempt to guide the reader; a mass of detail is offered with but little interpretation. In the introduction it is stated that the really important development of the period is institutional, yet the major portion of the book is devoted to following the chroniclers. It seems a question whether it is worth while to devote relatively so much space to what appears relatively of so little importance.

Criticism of this sort of history is not wholly specious. A case in point is the chapter on the western Caliphate. Twenty pages are devoted by Dr. Altamira to the story of internecine strife among the various leaders, or would-be leaders, of Moslem Spain, and their quarrels with the little Christian kingdoms in the north of the peninsula. The story is indifferently told. The only impression left is one of pillage, wholesale murder and assassination. Whole towns were destroyed, their inhabitants enslaved. The fifteen pages following are devoted to an enthusiastic account of the richness of Moslem civilization centering at Cordova during this very period. Culture and wealth abounded. The arts and industry were highly developed; commerce was actively carried on throughout the Mediterranean world; science, philosophy and literature flourished. Practically all the inhabitants of the peninsula could read and write; Christian, renegade Christian, and Moslem vied with each other in literary activity; the Royal Library at Cordova contained 400,000 volumes and private individuals rivalled princes in building great libraries. Is there no contradiction between the first and second parts of this chapter? Can a country given over for generations

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to devastating warfare at the same time advance rapidly in wealth and all the arts of peace? The question inevitably arises: Did this incessant warfare, which our modern chroniclers spend so much time recounting, bulk so largely in the lives of the people of the Middle Ages? Are they giving us a true picture, or is it much the sort of picture one would get of our present civilization some hundreds of years hence did he paste together the front pages of a few of our daily newspapers?

Mr. Corbett in his chapters on Anglo-Saxon England has shown what can be done in recreating the past. It is true that the materials from which he drew his picture are less scanty than are those on the Continent, but even allowing for this fact the reader senses an interest in and understanding of social forces underlying political events. His powers of organization and narration place his two chapters among the most readable and instructive of the book. Debatable questions are involved and one may not always agree with the author, but his right to speak cannot be denied.

Space does not permit discussion of individual chapters, but the very excellent treatment of feudalism by Professor Vinogradoff demands special recognition. In the judgment of the reviewer it is much the best thing in the book. From fullness of knowledge and with due sense of proportion he gives, in less than thirty pages, a clear and penetrating summary of feudal and manorial organization. The pity of it is that more courage was not exercised in breaking with the traditions of purely political history to allot more space to discussions of institutional growth.

In a cooperative work differing points of view are inevitable and are to be welcomed. Repetition, too, is unavoidable. It is a fair question, however, whether in this volume a more careful arrangement of chapters and more frequent cross reference might not have obviated some unnecessary repetition and apparent confusion. Thus we are told of the relations of Conrad II and Burgundy before being introduced even to the reign of Henry I of Germany. The quarrel over Burgundy at the death of Rodolph III is told with considerable repetitious detail by three different authors (pp. 106-107, 140-144, 247-248, 256 *et seq.*); the term Viking is explained twice, with differing emphasis, with no cross reference.

The bibiliographies fill some seventy-five pages. They vary considerably in extensiveness and care in compilation. In no case do they lay any claim to exhaustiveness, in every case they at least indicate the chief sources of information for the subjects treated.

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There are ten plates of maps, lacking much in definiteness in detail, but bringing out fairly well the points in the text needing illustration.

AUSTIN P. EVANS

The Washington Conference. By RAYMOND LESLIE BUELL. New York, D. Appleton and Company, 1922.—xiii, 461 pp.

The purpose of the Washington Conference, Mr. Buell believes, "was to localize the activities of Japanese imperialism which . . . was one of the causes which had led the other powers of the world to maintain great naval establishments" (p. 74). Consequently Part One of the book, giving the background of the Conference, has as the point of approach Japanese militarism and imperialism. The militarists in Japan are shown to have been systematically "nibbling at Asia" for the past twenty-five years. As a result of their activity Japan has been able to annex Korea, establish herself in Manchuria, develop interests in Shantung province, and seriously disturb the development of an autonomous régime in Siberia. The Japanese have taken advantage of their military strength to establish a dominance on the continent. This Japanese imperialism has been supported by two main factors: militarism in Japan, and the Anglo-Japanese Alliance. The growth and maintenance of militarism has been possible because of the autocratic character of the Japanese government; because of the dominance of the "Elder Statesmen"; and because of the requirement that the Ministers of War and of Marine must be army and navy men. Of recent years the military clique has had the support of the great industrial and commercial interests which in turn control the parties in Japan. The result of this alliance has been the substitution of an economic for a territorial imperialism. The Anglo-Japanese Alliance, the second factor, has made impossible outside pressure to abate this imperialism.

The work of the Conference, in turn, is viewed almost exclusively through the dark glasses of Japanese militarism. Seen in that way it cannot but be considered a failure, for Japan came from the Conference with the assurance from the Naval Limitations Treaty that neither England nor the United States can bring military pressure to bear on her. This is made more certain by the *status quo* agreement with respect to the fortification of the islands of the Pacific. The Four Powers Treaty, the *quid pro quo* for the Anglo-Japanese Alliance, adds to her security, for, as Mr. Buell interprets it, it constitutes a virtual pledge of non-intervention by the Western Powers

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in the Far East. Japan was not forced by the Conference to give up the position in China and Siberia acquired during the past twenty years, but only had to give her adherence to the "propositions in principle" of the Nine Powers Treaty, all of which principles she had subscribed to and violated in the past. Furthermore no real machinery was provided for the enforcement of these principles and no penalties were attached to their violation. Tariff autonomy was not secured by China; her request that foreign troops be withdrawn from her territory was not complied with; foreign wireless stations may still be maintained in the leased areas and in the Manchurian railroad zone; Japan was left strongly entrenched in Manchuria; and even the Shantung settlement was not much of a concession by Japan, for she merely "agreed to keep a promise made at Paris three years ago and at Tsingtao seven years ago. But even now there is a strong possibility that the economic control of the territory concerned will remain indefinitely in Japanese hands—and certainly for the next five years" (p. 263). Thus China was defeated at the Conference, in spite of some minor concessions, and China's defeat helps to measure the extent of Japanese success.

While the naval ratio secured Japan from attack, the failure to agree on the limitation of submarine and aircraft construction "has still further strengthened the military supremacy of Japan in the Orient. With the aid of unlimited submarine flotillas and aircraft, it will be more easy than ever for her to dominate the defenseless continent at her feet. The failure of the Conference to reduce armies will have the same result." (p. 239.)

The chief weakness of the book lies in the narrowness of its approach to the problems of the Conference. It is questionable whether the defeat of China should be attributed to Japanese policy or to her own chaotic condition, which prevented the Great Powers from showing her the consideration that would otherwise have been her right. The treatment of the background of the Conference would have been strengthened if some space had been given to the policy in the Far East of the powers other than Japan. Russian imperialism paved the way for Japanese, and was still an active force in China in 1914; even before the Anglo-Japanese Alliance, England had not been wholly guiltless in the development of her policy; France possessed special rights and privileges in southeastern China. It would also have been well to discuss more fully the open-door agreements of the powers from 1899 to 1921. Such an examination would have disclosed the fact that Japan, and other nations, thought

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of the engagements under the original Hay circular, while the United States included under the term "open door" the principles of the second Hay note, which extended the conception to include the preservation of the administrative and territorial integrity of China. This difference of conception helps to explain some of the violations of the principle by Japan, and to account for her repeated statements that she was keeping the door open in Manchuria. One distinct achievement of the Washington Conference was the commitment of the Powers to the enlarged American conception of the Open Door principle.

In spite of the fact that the first part of the book is marred by several errors of fact and interpretation, Mr. Buell has given the best account of the Conference as a whole that has yet appeared. Additional value is given to the book by the inclusion as appendices of the Treaties and Resolutions adopted at the Conference.

HAROLD M. VINACKE

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The Life and Letters of Sir Wilfrid Laurier. By OSCAR DOUGLAS SKELTON. Toronto, S. B. Gundy, Oxford University Press, 1921.—Two volumes. 485-576 pp.

Dr. Skelton's biography of Sir Wilfrid Laurier must be accounted the most important contribution made to Canadian political literature for some time. It sums up the contribution of Liberalism to the Dominion through two generations. As a biography, the book has certain obvious defects. Its admirable presentation of the facts is marred now and then by that universal infection of newspaper English which all of us find so difficult to evade. No one, the author least of all, will claim that it presents an impartial statement of the Liberal case; and the vigorous personality of the author constantly challenges the reader in short, sharp characterizations of public men in which it is not always easy to acquiesce.

Perhaps the most fundamental criticism to be passed on Dr. Skelton is that he has written a history of Canadian Liberalism rather than a biography of the great Liberal leader. The book lacks those intimate touches, and refuses to give the reader that sense of a personal presence which the model of political biography, Morley's *Life of Gladstone*, affords in such admirable proportion to the political background. There is far too little of Sir Wilfrid, the man, and the final impression is too exclusively one of public politics. In that

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broader field the author has shown conspicuous ability. His pages on the Alexander McKenzie Ministry, 1873-8, or on the history of Liberal Catholicism in Canada, or the first struggles of the Canadian Pacific Railway, are masterly, and form outstanding chapters in the best account of later Victorian Canada yet written.

Sir Wilfrid Laurier dominated Canadian politics for twenty years, and in these same years he was the representative man before the British public, proclaiming the desires and ideas of the self-governing Dominions. In these pages three notable achievements stand out as peculiarly his contribution to the Dominion and the Empire. In the first place, coming into politics as a French-Canadian and a Roman Catholic, he defined, as no other has done, the place of his race and creed in Canadian life. It may be that events after 1914 temporarily broke down the *modus vivendi* which he had constructed with such infinite patience and skill between French and British in Canada; but his work will stand when the war storm has passed, and Dr. Skelton has reminded us in his admirable treatment of the Riel troubles, that Wilfrid Laurier began the more important section of his life with a fearless statement of the French-Canadian point of view. Of even greater importance was Laurier's attempt to define the place of his Church and its clergy in politics. From first to last, from the days when he first joined the *Institut Canadien* down to the very end, the problem of Church and State was always present with him. One side shouted "Jesuit", while the other muttered "infidel". The truth was, as Dr. Skelton makes very clear, that Laurier, without ceasing to be a loyal churchman, has been the one French-Canadian statesman strong enough to say to his clergy, "Thus far and no further." "So long as I have a seat in the House, so long as I occupy the position I do now, whenever it shall become my duty to take a stand upon any question whatever, that stand I will take not upon grounds of Roman Catholicism, not upon grounds of Protestanism, but upon grounds that can appeal to the conscience of all men, irrespective of their particular faith, upon grounds which can be occupied by all men who love justice, freedom and toleration." That declaration of toleration he made effective in an election in 1896, which in Quebec gave "sixteen seats to the bishops and forty-nine to Wilfrid Laurier."

More briefly, his second service to Canadians was to translate into Canadian terms that point of view which in Britain is called Gladstonian Liberalism. Laurier was not merely a Canadian disciple of Gladstone; he was by far the most distinguished scholar of the

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master in public life, although Asquith, Morley and Rosebery were also of the school. He gave principles to a parliament which his predecessor in office, Sir John Macdonald, had ruled in laxer fashion; and the gravity, dignity and weight which the great English commoner lent to Westminster passed to the House of Ottawa under Laurier's rule. He was a great member of parliament because he was a great constitutional Liberal.

But Laurier's greatest achievement, as Dr. Skelton shows with admirable restraint and truth, was that he, more than any other, saved the British Empire from the miscalculations of the so-called imperialists. Laurier, true to the sound British tradition, was no doctrinaire, but waited here on the teaching of events. He had begun with a kind of academic separatism, substituting for the old metaphor of the colonial fruit dropping from the tree, that of the son leaving his father's home. These facts began to tell, and more especially between 1897 and 1911. Sir Wilfrid Laurier stood, not as the mere opponent of the prevalent school of imperial federation, but as the leader into a far more useful and constructive scheme of union. He thwarted the dangerous plan of Joseph Chamberlain; he steadily refused measures for defining proportional contributions from the Dominions to the defense of the Empire; and so, when Armageddon came, Laurier, who had always seen how much greater liberty and freedom are than logic and definition and restraint, could point to Canadian contributions, great beyond expectation, to the war, because given by a people left strictly free in its imperial affiliations and obligations.

Dr. Skelton's book closes in something like melancholy and a sense of failure. Laurier, like his fellow Liberal, Lord Morley, was Victorian through and through—a man of principles, and peace, and order. It could not but be that in the storms and stress of 1914 he should feel himself out of place; but where the Englishman could retreat into the secret places of his own heart, the Canadian had still to face, and try to lead, his public. The last chapter of Sir Wilfrid Laurier's life remained controversial to the end, but, thanks to Dr. Skelton, both those who followed, and those who opposed him, will always think of the great French-Canadian as a singularly lofty figure, disciplining our rude modern politics through his old-fashioned courtesy, reverent and faithful to his Church, but resolute to maintain a free State as well as a free Church; an honest believer in a manly liberal creed, and not imperialistic only because he knew that the bonds of Empire are too subtle and evasive

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to be brought within the crude definition of the jingo, of the militarist, and because, being a statesman, he recognized that nothing else matters but the desires and natural inclinations of a free people.

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The New Latin America. By J. WARSHAW. New York, Thomas Y. Crowell Company, 1922.—xix, 415 pp.

This is an intelligent and informing volume on a subject about which there has been a great deal of mediocre book-making in recent years. It is possible that our Anglo-Saxon provincialism, our supine ignorance of Hispanic American conditions and affairs, have somewhat abated from the dark age of a generation or two ago; yet Professor Warshaw's work is timely and important. Whether we will or no, we must become "internationally minded", especially with respect to our Hispanic neighbors. And here is a book to help us.

The writer's aim is "to present . . . a comprehensive and reasoned account of the onward moving Latin America of the present moment". He succeeds admirably. The book divides into three parts, the first concerned mostly with recent industrial progress, and foreign interests commercial and political; the second describing social and educational movements, and achievements in literature and the fine arts; the third discussing the field of economic opportunity in Hispanic American countries, and the reaction of the average visitor from the south to our customs and manners. The best chapters are those on the Monroe Doctrine, on education, literature, and the emancipation of women. The weakest is the one on "The Growth of Nationalism".

The history in the volume is frequently inexact, as to facts or deductions, but the discussions of present politics, especially of an international order, are sound and to the point. Dr. Warshaw performs a service in reminding us that the "imperialist aims" of the United States in the Caribbean area have no necessary connection with the Monroe Doctrine, and that the latter is no longer applicable to the countries farther south. He also effectively disposes of the myth of a "German peril" in South America before the Great War, points out that the roots of our commercial ascendency in Hispanic America lie deeper than the circumstances of this same war (so convenient as an explanation of all contemporary phenomena), and

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calls attention to the "insinuations of European political and industrial interests" which keep alive suspicion of American goods and American motives. Nowhere else has the reviewer found, in a short essay of twenty-five pages, so satisfactory a sketch of the literary accomplishment of Hispanic Americans, in colonial times and today. Throughout the writer endeavors to make clear what is perhaps his main thesis, that their social, spiritual and mental characteristics differ in no fundamental detail from the common characteristics of any of the Latin races of Europe, and that in social and political development they are moving along the same lines, and are subject to similar influences, as ourselves. If in some respects the best of these nations lag fifty years behind us, it is because they had a later start in the race and greater initial obstacles to overcome. Superficial criticism of Hispanic American shortcomings is aptly compared with European strictures upon our social and personal habits by the generation of Charles Dickens and Mrs. Trollope.

The obvious enthusiasm of the writer for his subject, however, causes him frequently to picture economic conditions in too rosy a light. He overestimates the areas that will comfortably support a large white population, speaks of the "fertile" country about Lake Titicaca, seems to imply that Hispanic America can soon become industrially self-sufficient, and almost entirely ignores the problem in most of these countries of transportation and of an adequate labor supply. Unintentionally perhaps, he neglects to keep sufficiently clear in the reader's mind the great differences between the semi-Indian, tropical or mountain republics and the progressive states of Uruguay, Argentina, Chile and Brazil. The field of opportunity in all of these countries is large and inviting, but it is more inviting to the capitalist than to the prospective agricultural colonist from the United States. Canada is nearer by, its language and customs are English, and the rural standard of living is more like our own. On the remotest public lands in this country life would be less primitive and less lonely than in Hispanic American countries where may be found both a healthful climate and land that is good and cheap. Here it is perhaps safer to follow the lead of Harry Franck, who with all his veiled pessimism gives a more nearly accurate picture of actual conditions.

Professor Warshaw's volume is never dull, though the style is a bit loose-jointed and sometimes inclined to be repetitious. There are some good illustrations, four colored maps, and appendices of useful information.

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Principles of the New Economics. By LIONEL D. EDIE. New York, Thomas Y. Crowell Company, 1922.—xiii, 525 pp.

The general impulse which has led to a widespread attempt to change current economic thinking was bound to result in a series of texts from new men intended to supplant older works as textual backgrounds for those college courses on the going economic system which are replacing the old metaphysical courses on "principles". Of this new crop of textbooks Professor Edie's is the first, and so deserves more attention, perhaps, than it might if it were a mere restatement of old theory.

The down-to-dateness of a book of this kind is more important than might at first appear. Professor Edie has drawn heavily on the important new literature of production technique, market functions, labor adjustment—of descriptive economics in general; and this is material that has got itself into print almost altogether since most of the older texts were first written, so that very little of it all has managed to penetrate their covers.

But also Edie has made considerable change in method. For instance, theory in general is of much reduced importance. There is a conspicuous omission of much of the old value and distribution theories and a much more than customary discussion of the actual contacts of men and their industrial environment. This leads to pluralism in theory where general theories come into the open, but quite as often to the omission of general theory entirely. The suspicion is sometimes aroused that the pursuit into generalization of the many programs of response to industrial stimuli that are described with approval or disapproval would lead to contradictory results.

The most conspicuous feature of the book is the attempt to bring psychology into an economics text. Practically, because of a lack of psychological training in the students he expects to read him, Edie may be justified in using his first seventy pages and many subsequent ones for analysis of the instincts of men and their relation to the economic system; but there can be no other justification. This makes the book primarily psychological. The understanding of human nature that psychology provides is useful to the economist in aiding him to understand the significance of industrial forces, in solving technical problems, and in creating an industrial philosophy; but Edie seems to have introduced much of his psychology for its own sake and not as an aid to economics. Perhaps

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a better method would have been to raise in order the pressing problems of industry and, in the process of analysis and solution, bring psychology to bear. Here it is certainly indispensable; this is its place in economic theory and ought to be its place in an economics text. As a matter of fact, in the latter parts of his book, this is the method Edie uses a good deal, but even here there are many passages which seem somewhat out of place in such a text as this. It has to be said, too, that Edie's psychology is of the McDougall-Wallas variety—which is to say, rather loosely subjective than closely experimental. His position is no more advanced than that of Dean Parker in 1917. There is no suggestion that many psychologists lately have turned away from too great dependence on instinct categories and the monistic Freudian analysis of the unconscious. This, perhaps, illustrates the danger social scientists are in when they are forced to draw premises from other sciences. Here is Edie, as modest and as experimental as could be wished about his economics, but very sure about a questionable psychology. When another science is drawn upon for premises, it ought to be recognized as good practice to use only those conclusions which are fairly well settled or, at least, ones which are not at the moment the object of attack.

There is a distinctly ethical background for the whole book. Economics in Edie's hands becomes a science of making wealth serve human ends. It is characteristic that he discusses distribution from the point of view of one whose only interest in it is in a sufficient rewarding of the productive forces so that they will function efficiently. This is a wholly pragmatic attitude and is probably one which will be a feature of most of the texts of the younger economists.

The book is somewhat marred by errata, most of which are not serious, but which indicate too great haste in preparation, a fault which shows itself also in the lack of complete assimilation of the sources depended on and a recurrent failure to blend the good in the old with the new. Many of the errors are of faulty English, such as on page 20 the use of "ingenuous" for "ingenious", on page 48 the use of "between" for "among." These are faults due to haste, but the mistaken references to steel manufacture on page 84 and to the canning industry on page 79 betray a dependence on secondary sources that is scarcely justified by the results. And there seems to be no very good reason why the title of Professor Carver's book should not have been correctly cited on page 235, or

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why an economist should be led into such journalese as is involved in talking about the cost of marketing an "average article" (pp. 280-81).

It is difficult to say whether the book will be successful as a college text. The average Sophomore likes his rules laid down rather dogmatically. He likes to know what's what. This book is not notable for conciseness nor for finality.

REXFORD G. TUGWELL

COLUMBIA UNIVERSITY

Allied Shipping Control. By J. A. SALTER. Carnegie Endowment for International Peace. Oxford, Clarendon Press, 1921. —372 pp.

Military history of the different phases of the war we shall have in abundance, both from official sources and commercial publishers as a business enterprise. The less spectacular and perhaps more interesting economic and social aspects of the struggle, judging by the past, are very unlikely to receive adequate treatment. It was, therefore, a wise use of the funds of the Carnegie Endowment to organize the necessary staff and make possible the publication of the studies on the *Economic and Social History of the World War* of which this volume is one, both in the interest of scientific truth and in the interest of peace, as a lasting reminder to succeeding generations of what war means to a civilian population.

The author sketches the process of the change from an individual basis of production and distribution to the state control which was essential to meet the strain of war. With the vast and increasing requirements of the insatiable army, with the withdrawal from factories and fields of so many producers, with the shortage of vessels to meet increased demands in imports and transportation of troops, it became essential to tear down the delicate and elastic structure of internal and international trade, whose concern was to supply the things which individuals would pay most for, and to improvise in its place a system built on a revolutionary principle, that there should be supplied the goods which the governing authorities found necessary, first for the army and second for the requirements of the civilian population. The control of shipping was an essential part of this reorganization, especially in a country like Great Britain, dependent on sea-borne food and raw materials; and the control of what should be shipped, by means of the control of ships, was an important element in the wartime economic system.

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The author is inevitably led by his subject to dwell upon the importance of the mastery of transportation by sea in deciding the fate of the war. How the Allies held it is told in the chapter on the Blockade and Neutral Shipping. All through the book runs the German attempt to gain sea-mastery, culminating in the ruthless submarine campaign of 1917 against all merchant ships, neutral as well as Allied. The German Government had to balance the advantage of a possible grip on the seas for a few months with the probability of America's entrance into the war, and its decision to try for sea control "was a gamble, perhaps, but not a wild one" (p. 121). The convoy system, the author thinks, was the effective answer to the submarine; had it not been made and had the losses continued at the rate of the first months, it "would have been fatal to the Allied cause" (p. 128).

It was in part the shortage of cargo space resulting from the submarine activity which caused the creation of the Allied Maritime Transport Council early in 1918, the organization and operation of which is the main theme of the volume. It is dealt with in detail. The author shows that it was a committee of the administrative officials of the departments of Munitions, Food, and Transport, who had technical knowledge of the needs at home and were themselves charged with the duty of carrying out whatever agreements might be come to, so that it was at all times in close relation, not alone with the Allied governments, but with their administrative officials in the particular fields covered by its activities. It was not a super-government enforcing its will upon member states. It was a committee in which the requirements of each of the Allies were discussed by those most competent to estimate them and which therefore made decisions fairly balancing relative needs. Unwilling to create a central executive with power to allocate ships and control imports, the governments secured practically the same results by these conferences, as the arrangements made by the responsible officials who attended them were regularly carried out by their governments.

In his concluding sections the author draws on the experience of the Council to argue that inter-governmental decisions affecting economic matters should be carried on, as far as possible, in peace as in war, by similar committees of representatives of the branches of the government particularly qualified. Thus many causes of friction would be isolated, and settled, not by diplomats trading for advantage, and ignorant of technical details, but in each case by men more interested in making their service run smoothly than in gaining

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a point in perhaps a totally different negotiation. Besides, if each difference can be isolated, the dangerous culmination of many points of friction will be avoided and that in itself will lessen the danger of serious dissension and perhaps of war.

The reviewer thinks that the author might have drawn support for his thesis from the success of such international organs as the Postal Union and the European Railway Freight Union, which have long functioned on a somewhat similar plan and whose organization has been so well treated by Dr. Reinsch in *Public International Unions*; by Prof. Sayre in *Experiments in International Administration: in the United States; in Great Britain*; and by Mr. Woolf in *International Government.*

What the League of Nations should add is the broadening of the field of economic relations in which the interdependence of nations is realized so fully that governments will substitute "international consultation" with a view towards forming in advance national policies which will avoid friction, in place of the present method of "adjustments by negotiation" of conflicting policies already in force (pp. 273, 267-8). As instances, the author suggests the working out of the policy of free access to the sea of inland states, a very much more serious question since the break-up of the Austrian and Russian Empires, that of freedom of transit in general, "and the removal as far as possible of all economic barriers" (p. 269).

The author is in error in writing that the rules of blockade of the Declaration of London of 1909 "distinguished between absolute contraband . . . conditional contraband . . . and non-contraband" (p. 98). This distinction concerned the right of capture at sea irrespective of blockade (Article 22 *et seq.*, Declaration of London). If an effective blockade was established, any blockade-running vessel and her cargo could be captured (Article 21), regardless of the distinction of contraband.

The style of the book is admirable and the author's appreciation of the dramatic side of the submarine warfare and its consequences make the book an interesting addition to the library of the general reader as well as a valuable authority for the student. An appendix contains in full certain official papers of the Allied Maritime Transport Council and tables of statistics showing the operations of the merchant vessels, losses and rates paid. A very interesting table shows the organization of inter-allied economic controls.

J. P. CHAMBERLAIN

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Community Life and Civic Problems. By HOWARD COPELAND HILL. Boston, Ginn & Co., 1922.—xxii, 528 pp. App. xxxiii pp.

Instead of the stiff and formal fashion in which textbooks in civics have often introduced students to the machinery of government, this volume establishes a personal relationship between the reader and the group formations of which he is a part. Groups are taken up in the order in which one usually becomes a member of them, beginning, as would the social psychologist, with a chapter on "Myself and Others" to introduce ideas of interdependence, conflict, cooperation and social control, and following with the family, school, church, the local community, the business and industrial community, and finally the political group.

"The conception underlying the book," to quote the author, "is the Biblical proposition that no man liveth to himself alone. All his life he dwells, works and plays with other men who are associated with him for reasons like his own in various kinds of groups. In short, human life is group life." The descriptions, the more than two hundred excellently chosen and well produced illustrations, maps and graphs, the projects and problems suggested and the wealth of readings listed give a vivid realization of a moving interrelated world of beings, and the abstract mechanisms of organization fall into a proper incidental place. Especially worthy of note are the readings, divided into (1) Study References, (2) History, Biography, Travel, Essay, (3) Imaginative Literature: Novel, Short Story, Poetry, Drama, (4) Readings for Teachers, showing by asterisks the books that preference and use by students have proved most interesting and illuminating.

The text is adapted to use in urban high schools, and whilst it is the best civics published, a less pretentious work should be mentioned in connection with it as an excellent account from the rural point of view but with the same method of approach: namely, *Community and Government* by Howard W. Odum, University of North Carolina, Extension Leaflet, Vol. IV, No. 5. The latter describes much more satisfactorily the meaning of community, and not only treats of smaller and more intimate geographical divisions, but relates the individual to the city, state and nation through neighborhood activities and ideals. Hill describes home, church, industry and other institutions, but, except for a chapter on recreation, deals inadequately with primary groupings.

Religion and politics are handled quite frankly and objectively.

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It is interesting to read, "The President is probably the most powerful ruler in the world". The struggle between labor and capital seems to be fairly presented except that state police are extolled and labor's opposition to them is unmentioned. Again, a one-time member of the Progressive party might look in vain through the list of minor parties for the object of his past allegiance.

There is an excellent chapter on "Children of the Melting Pot", describing the stream of immigration and analyzing the effects and the dangers for America and urging restriction on the numbers admitted, extension of educational facilities, and "a sympathetic, helpful attitude toward the people concerned". In this as in other matters the book successfully infers civic duty and comes up to the standard set by the Committee on the Study of Civics of the American Political Science Association (*The American Political Science Review,* Vol. XVI, No. 1, February, 1922, p. 117).

"The immediate problem is to impress upon the pupil the fact that he is a member of the community and ought to be an active, constructive member of it. The teaching of the subject ought to point continually towards civic duties as well as civic rights. Scope and methods should be adjusted to this purpose, which means that social and economic forces which directly affect the activities of citizenship ought to receive adequate emphasis."

LE ROY E. BOWMAN

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BOOK NOTES

Professor Robert E. Park of the University of Chicago has performed a remarkably useful task by giving in broad outline an account of the importance and influence of the foreign language press in this country. *The Immigrant Press and its Control* (New York, Harper and Brothers, 1922; xx, 488 pp.) will be invaluable to those who are engaged either directly or indirectly in the enterprise of Americanizing the foreigner. The general reader, too, will find in it some unusually interesting reading. He will learn, for instance, that during 1920 there were printed in the United States 1,052 foreign language newspapers, that considerably over one-fourth of these were German, that some thirty other languages were represented by from one paper in the case of Persian and Bulgarian to 111 in that of the Scandinavian, and perhaps most important of all, that the immigrant press has been for a long time a most efficient incubator of nascent nationalisms; that the movement for the revival of the Irish language began in Boston; that Lithuanian was a literary language in this country when it was practically dead in Lithuania; that for years the Slovaks could not read their language in Hungary, but could do so here. These facts are merely introductory to a fascinating explanation of such topics as are suggested by the following questions: What is the European background of the immigrant press? What is the relation between the immigrant press and assimilation? What are the contents of the foreign language press? What has been its history? Who controls it? To what extent did the United States government intervene in its control during the war and since? These questions and numerous others are answered by Professor Park in a spirit that is wonderfully free from the cant and even the downright hypocrisy characteristic of so many shallow effusions that have appeared under the general title of "Americanization." The book deserves a wide circulation.

In *An Introduction to the Study of International Organization* (New York, The Century Company, 1922; xiv, 647 pp.), Mr. Pitman B. Potter deals with international government as a subject "as definite as municipal, state, or national government". "International law proper", in the opinion of the author, "should be handled by lawyers as law; it should be purified of non-legal ma-

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terials. When that is done it will not be so likely to appear to the legal profession as near-law, or imitation law" (p. ix). International organization must also be distinguished from international intercourse, which "denotes the whole body of non-political and non-legal activity among the nations", and the two systems "must be kept distinct in one's thoughts" (p. 4). How far the acceptance of international government as "the same sort of political organization and operation that we find in local and national life" (p. 7) depends on a leveling up of international morality, and how far any organization, to be effective, must arise out of a common need and be directed by a common will, are questions that Mr. Potter does not discuss. He recognizes that they are not without importance and that statesmen who are not always honest and wise lead peoples who are sometimes better and sometimes worse. Universal disarmament, he suggests, would mean "the outbreak of piracy at sea and disorders on the land", and "any attempt at disarmament must hamper the better elements in international society in dealing with the worse elements" (p. 370). Nor is the unwillingness of states to take orders any bar to effective international organization. Mr. Potter is severe with "those persons" who attempt to "circumvent the classical doctrine regarding the sovereignty of the state" and who believe that "all rigid and simple doctrines in political science belie the rich complexity of life" (p. 380). Mr. Potter's theory is simple. He maintains that "neither the violation of national sovereignty by others nor the involuntary surrender of sovereignty by the state itself is involved in the creation of a federal union. The original agreement, on the contrary, preserves during the term of its life, the sovereignty of the state which enters the league" (p. 395). Mr. Potter thinks that "a multiplication and consequent equalization of the states" would result in "the removal of the difficulties to international cooperation" (p. 8) and that the chief factor in progress will be "modern cosmopolitanism"—a "common economic and scientific culture" (p. 308). "It provides a firm basis for international cooperation. It also constitutes a threat that, failing international cooperation, the nations will be overrun against their will by a unified world civilization. Eventually, the cosmopolitanist is heard to say, there will no longer be any 'nations,' even as there were none in Medieval Europe. If this is chimerical or undesirable, the alternative is international cooperation—which itself, however, helps to develop cosmopolitanism" (p. 314).

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M. René Brunet's *La Constitution allemande du 11 août 1919*, which was noticed in the June, 1922, issue of the POLITICAL SCIENCE QUARTERLY, has now been translated into English by Joseph Gollomb as *The New German Constitution* (New York, Alfred A. Knopf, 1922; xiv, 339 pp.). M. Brunet gives an excellent outline of the new political institutions of Germany; the translation is well done, and the volume (thus far the only one in English) should be of value to American students. Mr. Gollomb did not make a new translation of the text of the constitution. He borrowed the version by Professors Munro and Holcombe with the rather confusing result that one idiom is used in the text of the constitution and another in the commentary thereon. The foreword to the volume is by Professor Charles A. Beard. The German constitution, he says, attempted "to combine the strength of Hamilton's government with the democratic control so vaunted by Jefferson" and in the relations established between the German Reich and the states there are ingenious compromises which should be studied in connection with Mr. Roosevelt's "New Nationalism". The socialistic features of the German and Austrian constitutions also offer many noteworthy contrasts to our own instrument of government.

The increasing importance of judicial decisions on the relations between employers and employees makes manifest the inadequate treatment rendered the topic in the orthodox law-school curriculum where the student gets a pinch of labor law here and there in courses on torts, crimes, equity and constitutional law. In response to a serious need for a better articulated presentation of the issues involved in labor controversies, Mr. Francis Bowes Sayre of the Harvard Law School has collected a volume of *Cases on Labor Law* (Cambridge, Harvard University Press, 1922; xvii, 1017 pp.) which will be of great service in promoting a better understanding of the subject with which it deals. The book begins with the early English statutes and ends with excerpts from studies of minimum subsistence and comfort budgets. In between are chapters on the legality of means and ends pursued by labor organizations, regulatory legislation, the powers and liabilities of labor unions and their members, the use of injunctions in labor disputes, and the peculiar problems presented by the partition of power between the states and the United States under the federal constitution. The collection is valuable not only for class-room use but also as a source of reference for all who are interested in the methods and results of the judicial umpiring of the contests which present perhaps the most serious issues of present-day social and political life.

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Every now and then some one arises who wishes to expound a body of economic principles in conformity with what he conceives that the economic system should be, rather than on the actual basis of its operation. The authors of such new systems are, of course, compelled to develop a whole nomenclature of their own, and the farther they get in their presentation, the further adrift is the patient reader from the buoys and the moorings that he may have set for himself in the study of the more generally accepted economics. Such a system is presented in *The Real Wealth of Nations* or, *A New Civilization and Its Economic Foundations,* by John S. Hecht (Yonkers, N. Y., World Book Company, 1921; viii, 350 pp.). The author signs himself a Fellow of the Royal Economic Society. Since he accepts little or nothing of current political economy, it is practically impossible to set forth briefly the "economics" which he endeavors to establish. Sufficient to say that his viewpoint is always an ethical viewpoint and his aim is to supply a basis for a new civilization. While the book reflects considerable ability in some directions it is very weak in others, and because of its wide departure from current economic analysis, it must be regarded as simply another curious and futile attempt to reorganize present-day economic life.

Mr. B. Seebohm Rowntree packs more into his 170 pages of *The Human Factor in Business* (London, Longmans, Green and Company, 1921; ix, 176 pp.) than many authors include in books thrice the length. This is a record of achievement in personnel administration in the famous English cocoa works where a high-minded Quaker family has for years been applying science, common sense and a lively awareness of the claims of human fellowship to the problem of industrial relations. The record itself is impressive in its restraint and economic competence no less than in its portrayal of excellent practical results. Mr. Rowntree is no ordinary business man; he is an economist as well; and if proof is needed of the efficiency of that combination, his business career supplies it. The present book is written to show that there are certain conditions which must be secured for the workers, no matter what the industrial structure may be. They are: (1) earnings sufficient to maintain a reasonable standard of comfort; (2) reasonable hours of work; (3) reasonable economic security during the whole working life and in old age; (4) good working conditions; (5) a status for the workers suitable to men in a free country in the twentieth century. The appendix is especially interesting, as it gives details of the unemployment com-

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pensation plan which the company operates. If evidence is still necessary that personnel work "pays", this statement by a successful employer in a competitive industry will supply its full share.

In *Coal in International Trade* (London, P. S. King and Son, 1922; 73 pp.) Professor A. J. Sargent of the University of London, has "placed side by side certain groups of facts, which are intimately related, but not easy to study in their widely scattered sources". In stressing the importance of coal as a factor in international trade and in emphasizing the interactions between the production of coal and shipping, iron ore, steel, water-power and oil, the author has rendered real service. The book is small but thought-provoking and helpful, not only to students of the coal industry but also to students of international economics. The book has the flavor of the meditations of an economist who is aware of the significance of various economic forces and of their interrelations. The author's purpose is to suggest problems rather than solutions, evidently with the thought that the first step towards solution is to realize the problems.

The Hon. Charles N. Fowler rendered yeoman service in the more trying days of currency and banking reform in the United States. In Congress and out he was active in promoting a sound currency and banking system. Indeed, his name was attached to a definite plan of banking organization that was seriously discussed as a possible means of procedure by those interested in the subject. But the progress of discussion and the consideration of all the matters, practical, scientific and political, that naturally enter into such a complicated problem, led to the final adoption of a plan considerably different in philosophy and detail from that proposed by Mr. Fowler. The disappointment was obviously too great for the venerable statesman. His recent book, entitled *The United States Reserve Bank* (Washington, D. C., Hamilton Bank Company, 1922; 88 pp.), is little more than an angry outburst against the Federal Reserve System. In mechanical structure and in content it is almost all that a book should not be. There is no logical arrangement or sequence in the presentation, while the subject matter is repetitious and is frequently marked with inconsistencies and irrelevancies. The criticisms of the Reserve System are extreme and none is new. Mr. Fowler blames the Reserve System for the inflationary developments of the War, as if his United States Reserve Bank could ever have withstood a war-psychology, which, the world over, bent all existing institutions, financial and otherwise, to its ends. Mr. Fowler's plan of an emergency reserve bank based on district clearing-house organ-

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izations has been definitely discarded in favor of a more dynamic, as well as a more democratic, central banking organization. Moreover, experience has greatly broadened the popular support and prestige of the system which was adopted. The most vociferous criticism that has been directed against it has been attributable to the strains of deflation and has been directly opposite to that which Mr. Fowler voices. The Federal Reserve System is not perfect, but there are few who will agree with Mr. Fowler (although he claims that he made the first draft of the act) that the system is unsound in principle. Like all other agencies dependent upon human administration, much must depend upon the character of those in charge of it. Mr. Fowler's claim to fame as a contributor to banking reform in this country is measurably diminished by the publication of his ill-considered book.

Tariffs: A Study in Method by T. E. G. Gregory (Charles Griffin and Company, London, 1921; xv, 518, xi pp.) is what it professes to be and more. The book does not contain a discussion of the "fundamental rightness of free-trade or protection", but attempts to set forth the technical aspects of tariffs and custom duties. In so doing, the author has clarified the whole problem. There are almost no books dealing with the technique of tariff legislation, and Mr. Gregory's book meets a want that has been felt by serious students of the problem. It deals with such important subjects as classification of tariffs, tariff rates, differential duties, retaliation, reciprocity and colonial preferences, valuation, free ports and bonded warehouses, and commercial and tariff treaties. The selection of illustrations is satisfactory and informing. Similarities in tariff legislation in different countries have been emphasized by being placed in juxtaposition as illustrations of the various forms of classes, rates and evaluations. The book should be especially helpful to three classes of readers: (1) government officials will find herein a compact handbook of tariff technique, which should enable them to focus their research on matters of greatest moment. (2) Students of economic history will find a wealth of material covering the tariff enactments of the last fifty years. (3) Teachers of economic theory will find in this volume much illustrative material that should make their presentation more concrete and definite.

The widespread issue of paper money as an incident of war finance has greatly enhanced the importance of a systematic treatise of the subject. One of the most complete studies available is that of Professor G. Subercaseaux *Le Papier-Monnaie* (Paris, Giard &

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Brière, 1920; 446 pp.). Professor Subercaseaux, who occupies a chair in political economy at the University of Chile, has devoted himself to the subject of paper money for a good many years, having dealt with it in articles and addresses even before the Great War greatly expanded the available material. He makes the most of this material, old and new. Of particular historical value is his discussion of the South American issues. Broadly speaking, Professor Subercaseaux treats paper money from the point of view of its issue, its use, its effect on prices and exchange rates, and from the point of view of value-maintenance and redemption. While this seems like a scope sufficiently comprehensive, one feels at times that there is something lacking, because paper money is only one of the forms in which credit influences the whole price situation.

Credit and its effect on prices seem to be subjects of perennial interest. An essay that is interesting from the method of its approach rather than from the conviction that its conclusions carry, is Oswald St. Clair's *The Physiology of Credit and of Money* (London, P. S. King and Son, Ltd., 1919; 170 pp.). While essentially a quantity theorist so far as the value of money is concerned, St. Clair takes the position that the "physiology" of credit is such that expanding credit is a result rather than a cause of rising prices. His thesis is closely reasoned, but it leaves one doubtful because of the important matters left unconsidered. Inflation as an incident of war finance, for example, is left without any economic basis so far as St. Clair is concerned. The essay is too brief to allow a complete handling of the subject. Possibly in a fuller discussion, with adequate statistical evidence, St. Clair could make out a better case.

America's foreign-trade expansion during and immediately succeeding the Great War stimulated an interest in the subject of foreign exchange which this subject never enjoyed before. As a direct outcome of the development a number of excellent books on foreign exchange, written from the American viewpoint, have made their appearance. The most recent addition to the list is *Foreign Exchange*, by Edgar S. Furniss (Boston, Houghton, Mifflin Company, 1922; x, 409 pp.). The distinctive aspect of Professor Furniss's book is its viewpoint. It is written not from the point of view of the banker, but rather from that of the business man who has international transactions of one kind or another to finance. While the material contained in the book is not new, the special handling of it

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from the business man's viewpoint gives it a freshness and a palatability that serve to make the book a highly valuable addition to foreign exchange literature.

Europe is naturally giving much thought these days to questions of money and exchange. Professor Aug. Arnauné in a new edition of *La Monnaie, le Crédit et le Change* (Paris, Félix Alcan, 1922; x, 295 pp.) brings his earlier discussion of the subject down to date. Apparently, however, Professor Arnauné is enlarging his book. The new publication covers only Part I of the earlier book, but the treatment is much expanded. The new book contains eight chapters as compared with the five of its predecessor. The expansion is primarily in the sections dealing with foreign exchange. There are no important changes in viewpoint or theory, but the whole setting is brought down to date. It is to be hoped that Processor Arnauné will also bring down to date Parts II and III of the old volume. A careful study of the state of present money systems would be peculiarly welcome.

One of the world's great books on banking was *Les Opérations de Banque*, issued back in 1852 by J.-G. Courcelle-Seneuil, the French economist. It went through some nine editions, and recently the well-known editor of *L'Économiste Français,* M. André Liesse, brought out a tenth edition (Paris, Félix Alcan, 1920; xviii, 738 pp.). This latest edition brings the material down to date without changing in essentials the original presentation. A famous old treatise is thus revitalized and adapted to new conditions while retaining a quaint air of several generations ago.

The traditional conception of the infallible and superlatively efficient business man has been modified somewhat of recent years, with revelations of waste and inefficiency in industry coming from many sources. That some positive good has resulted from these disclosures is already apparent. Business becomes introspective; it studies its habits, and seeks to determine fundamental principles which shall be guide-posts to business success. One form which this introspection takes at present is that of research—business research. The report on *Costs, Merchandising, Practices, Advertising and Sales in the Retail Distribution of Clothing* (New York, Prentice Hall, Inc., 1921; six volumes, 622 pp.) contains the results of one such investigation, carried on in cooperation by the Bureau of Business Research of Northwestern University School of Commerce and the National Association of Retail Clothiers. Principles are induced relating to sales per unit of floor space, sales per sales-person, rates of stock

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and capital turnover, and numerous other matters relating to the administration of retail clothing stores. Certain of the relations revealed are of general interest, though the emphasis throughout is on the problems confronting the retail dealer. The omission of data relating to profits will be regretted by those interested in the broader aspects of the subjects discussed. The masses of figures accumulated have been well handled on the whole, and the conclusions are clearly presented. The results will undoubtedly be of assistance to clothing merchants in furnishing standards by which their own practices may be tested. And improvement in the technique of retailing, it may be hoped, will by so much increase the efficiency of business in the general control of industry and commerce.

Students of American economic history will find a wealth of information in L. G. Connor's excellent study entitled *A Brief History of the Sheep Industry in the United States*, published as part of *The Annual Report of The American Historical Association for the year 1918* (Washington, Government Printing Office, 1921, vol. I, 487 pp.). The sheep industry until 1808, the author shows, was only part of a self-sufficing economy, the wool produced during this period being largely consumed in the farmer's household. He then explains how between 1808 and 1830 wool-growing became commercially important, a fact which was responsible for the remarkable development of the Spanish Merino as a wool-bearing animal. Cheap western land and better transportation facilities between the Atlantic seaboard and the trans-Allegheny region, he maintains, were largely responsible for the shift of the industry from the East to the West which began about the middle of the nineteenth century. Another outstanding characteristic of the American sheep industry which he stresses is the change from wool to mutton types both on the farm and ranch. Perhaps most significant of all is the evidence which he has collected in support of his thesis that a new phase in the history of our sheep industry is now developing, viz., the return of sheep to the ordinary farm. In the future an increasing percentage of our meat and wool supply, he believes, will come from the small farm flock. The work is buttressed with an imposing array of source materials and is rendered more useful by the inclusion of a number of maps and statistical tables based on United States census returns.

In recent years an increasing number of scholars have challenged Freeman's famous dictum that history is "past politics". They maintain that any such interpretation fails to take into account a multitude of human interests, and that history is more than a mere

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political record. To them the central theme of history is man and in their attempt to understand him and the institutions he either consciously or unconsciously develops, they welcome the aid of every science that deals with human phenomena. Anthropology, ethnology, geology, geography, archaeology and social psychology, not to mention others, furnish them with a wealth of basic facts which no student of human progress can afford to ignore. It is one of these sciences, namely, anthropogeography, that provides the material for *Principles of Human Geography*, by Ellsworth Huntington and Sumner W. Cushing (John Wiley and Sons, Inc., New York; Chapman and Hall, Limited, London, 1921; xiv, 430 pp.). Its purpose, as stated by the authors in their prefatory note, is, first, to set forth the principles of geography in its human aspects, and, secondly, to provide a comprehensive text to meet the needs of teachers of elementary schools and "students who have reached an age when they begin to think for themselves". In the opinion of the reviewer they have achieved success in summing up in a simple and interesting manner the relation of physiographic environment to man's activities. Of the eight parts into which the book is divided, the first is devoted to a brief discussion of the relation of man to his physical environment. It is non-technical and furnishes an excellent basis for the main body of the work. The table entitled "The Elements of Human Geography" is especially suggestive. Following Part I the effects of location, land forms, water bodies, soil and minerals, climate, vegetation and animals, and finally of other men upon man, are summarized in more or less detail. Of these, climate, soil, minerals, vegetation and animal life are specially emphasized. The attempt in Part VIII to interpret political relationships, both domestic and foreign, which arise out of geographic conditions, while not exhaustive, is particularly noteworthy in that it stresses a phase of geography heretofore too much neglected. Students, and more particularly teachers, will find the problems—not mere questions—appended at the end of each of the twenty-two chapters suggestive and helpful. The one hundred eighteen maps, diagrams and other illustrations also add to the usefulness of the volume as a text.

The British Empire and World Peace (Toronto, Oxford University Press, American Branch, 1922; xxiii, 307 pp.) consists of a series of addresses delivered during the past year by Mr. Newton W. Rowell at Victoria College, Toronto. The author, who was formerly a member of the Canadian Cabinet and a representative of Canada in the Assembly of the League of Nations, discusses world peace in

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general and particularly the contributions thereto of the British Commonwealth and of Canada. He reminds us that the British Empire stands for peace within and between its component communities, which together include one-fourth of the world's population. In company with the United States it has led the way in the settlement of international disputes without resort to arms, and such success as the League of Nations has achieved has been made possible by its support. Canada, too, has made very significant contributions to the cause of world peace, notably in demonstrating that it is possible for nations to live peaceably side by side, leaving their common frontier unfortified, settling their disputes as they arise by arbitration and, above all, cultivating the psychology of peace. In the cause of world peace Canada's position is stategic, for as a part of one of the two greatest world powers and a neighbor of the other, she serves in a sense as a bond of union between the two.

Teachers called upon to guide students through the mazes of British imperial history need no longer lament the lack of a suitable comprehensive single-volume text for use with their classes. In *The Development of the British Empire* (New York, Houghton, Mifflin Company, 1922; xiii, 475, xxvi, pp.), Professor Howard Robinson traces the story of British colonial expansion from the Commercial Revolution to the present. His account of the old British Empire of the seventeenth and eighteenth centuries, to which he devotes eight of his twenty-five chapters, is rather perfunctory and adds little to what is to be found in earlier manuals, but his survey of imperial developments in the nineteenth and twentieth centuries is thoroughly satisfactory. The volume is equipped with brief bibliographical notes and useful maps, and an appendix contains a list of the component political units of the empire, with their area, population and form of government, together with diagrams illustrating constitutional relations within the empire and showing the distribution of races among its several parts. The pedagogical apparatus, however, is not obtrusive, and the author's style should make the book attractive to non-academic readers. On the whole, it is probably the most satisfactory history of the British Empire of its size that is to be had.

A work of larger canvas and riper scholarship is *A Short History of British Expansion* (London, Macmillan and Co., Limited, 1922; xxv, 647 pp.) by Mr. James A. Williamson. Like Professor Robinson, the author does not concern himself with the domestic history of Britain. His purpose has been to relate the history of the

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British people in its external aspects, including not merely colonization but such matters as "foreign trade, the rise and decline of economic theories, religious and secular incentives to emigration, and broad changes in national character and outlook". The volume is divided in five parts which are entitled, respectively, "Overseas Commerce into the Middle Ages", "The Tudor Period—Experiments in Oceanic Enterprise", "The Foundation of the Mercantile Empire", "The Zenith and Fall of the Mercantile Empire" and "The Britannic Commonwealth". It is based throughout on the results of the best scholarship, and as a writer the author is always lucid and sometimes brilliant. It is only in the matter of proportion that fault is likely to be found with Mr. Williamson's book. In the allocation of his space he has overweighted the beginnings of expansion and the history of the old empire; only a quarter of the volume is devoted to the nineteenth and twentieth centuries. But it should be added that the account of the more recent period, though disproportionately brief, is admirable. The publishers are to be highly commended for their part in the production of this valuable work; paper, print and binding are all good, and the execution of the maps deserves special praise.

Two new volumes by Ushisaburo Kobayashi have appeared in the series of Japanese Monographs published by the Carnegie Endowment for International Peace (through the Oxford University Press, American Branch). *War and Armament Loans of Japan* (Carnegie Endowment for International Peace, New York, Oxford University Press, 1922; xv, 221 pp.) is an historical record and a study in effects of these loans from the Meiji Restoration (1867) to 1912 and 1913. It does not deal with the funds raised for the World War. It shows how public finance, money markets, foreign and domestic trade, money reserves, rates of interest, price levels, incomes, savings, and shifts in population were affected. Except as regards influences of loans on purely financial matters, where his conclusions are well argued, the author depends somewhat too exclusively upon mere analogy. It appears that in discussing purely social effects and trade matters he has not sufficiently guarded against a plurality of causes.

Military Industries of Japan (Carnegie Endowment for International Peace, New York, Oxford University Press, 1922; xv, 269 pp.) by the same author, though he gives to Mr. Norimoto Masuda chief credit for the investigation it embodies, adduces contrary data. "Military industry", it is said, "has given strong

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protection and encouragement to general industries and means of communication relating thereto" (p. ix). It has produced trained workmen (p. 174) and has substituted for the variant products of individual artisans, standardization and quantity manufacture in that large range of materials which are not solely military in character and yet, under the conditions of modern war, are needed for military purposes. It is responsible for the factory system in Japan: call that a not unmixed blessing or a not unqualified evil as you please. National crises, *flagrante bello*, developed agriculture, lumbering, mining, as well as manufacturing. Governmental military industries have been the leaders in the progress of Japan in all industries; private industries have benefited by their example, by their assistance, and by securing from them skilled laborers. All this the author points out for the years prior to 1913 and 1914, where some of his statistical tables stop, though others stop at the year 1912. Yet now, publishing under the date of 1922, ten years later, he expresses a fear that these benefits may be counterbalanced by "the exhaustion of national wealth." The important data for the more recent and more critical decade since 1912 the author does not give in either of his books, as regards finance or as regards military industries. For that we must look elsewhere.

The first part of Gotaro Ogawa's volume on *The Conscription System in Japan* (Carnegie Endowment for International Peace, New York, Oxford University Press, American Branch, 1921; xiii, 245 pp.) consists of an historical survey, principally from the Law of 1873 to the present. It is noteworthy that military conscription in Japan, as in Revolutionary France, was adopted practically at the same time as the feudal system was abolished (p. 7), and coincides, as also in France (p. 3), with popular nationalism. The idea of a military class or caste was supplanted by the notion that all persons owe service to their country. When we read of Japanese opponents of conscription in the 1870's objecting "that the common people would lower the standard of soldiership" (p. 17), we are reminded of the dictum of the old sergeant who said: "It's this here war that's ruining the Army, us having to enlist all them civilians." But in Japan, even the Imperial Guards were drawn from the conscripts (p. 12). The second part of the book is a study of the economic effects of conscription on Japan, giving a survey and conclusions worthy of the distinguished professor of finance who is the author. He finds that military life enhances the value of the man who lives it (pp. 142), in character, education,

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physique and economic value (pp. 151-2), but that the system of putting men at discipline and drill for a term of years, though improving the quality of labor, has a bad effect on the quantity (p. 159), particularly as there is ample room for employment (p. 184). He also finds that military service cuts most deeply into agricultural labor (p. 158), stimulates the city-ward drift of population (p. 87), and universally tends to increase consumption (p. 221). These theses are supported with extensive citations from statistics and a logical array of information.

Mr. Cyril Alington, Head Master at Eton, recently entered both the historical and literary fields by writing *Twenty Years, being a Study in the Development of the Party System between 1815 and 1835* (Oxford, Clarendon Press, 1921; 207 pp.), and a novel, *Through the Shadows*. He apologizes for his "overview" of the two decades because of his inability to study minutely the abundant source materials. The place of such books is becoming increasingly evident, however, from the warm welcome accorded such brilliant literary and historical interpretations as Strachey's *Queen Victoria*, Guedalla's *The Second Empire*, and even the omniscient *Outline of History*. Mr. Alington possesses a real gift of phrase, which at times is so highly developed as to appear epigrammatic. He has, moreover, a real grasp of English history, and by his inherent conservatism does much to correct the too Whiggish hue given the period by Walpole and Mr. G. M. Trevelyan. His introductory chapter is at once brilliant and stimulating; his account of Catholic Emancipation is interesting and scholarly, despite its brevity; his characterization of individuals is able, although he is, perhaps, too lenient toward Castlereagh and too severe with Peel. Mr. Alington's belief in Castlereagh's close cooperation with France after 1815 is at variance with the conclusions of some recent investigations. In his insistence that the National Society was the first step toward the education of the masses, he overlooks the fact that the Royal Lancastrian Institution was founded three years earlier. The reviewer does not criticize the author's purpose, but rather his execution of it. His book fails to satisfy the exacting scholar, since it lacks both a bibliography and an index. On the other hand, it does not meet the needs of the casual reader, because it takes far too much knowledge of English history for granted. But with these limitations it remains a fresh, interesting and scholarly treatment of a most difficult epoch.

Not so much a biography as a military history of seven years—

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seven years which included Blenheim, Ramillies, Oudenarde, Lille, and Malplaquet—is Frank Taylor's posthumous work, *The Wars of Marlborough, 1702-1709* (Oxford, Basil Blackwell, 1921; two volumes, xvi, 446, 555 pp.), edited and completed by his sister, G. Winifred Taylor. During the seven eventful years here chronicled, Marlborough introduced new devices in war and new ways of thinking in combat. Before that "sieges were much more frequent than battles" and from a modern view war was "tedious and ineffective", a game to be played according to certain set rules with princes near at hand to make a social event of the capture of a fortress. The author shows that the underlying causes of this type of war, waged like a chess match by small professional armies, were political and economic and social rather than military. With Villars on one side and Marlborough on the other, things soon changed, and rapidity of maneuver and rapidity of thought found their function in conflict—to be splendidly seized upon and forever rendered essential by the great Napoleon. The author freely grants that he is a partisan. He sets out to show the greatness of Marlborough and the greatness of England. In his eyes it was British genius which overthrew in the early eighteenth century what he repeatedly calls "the exorbitant power of France", just as the Englishman of today believes that it was England that overthrew the imperialistic power of Germany. He never fails to comment upon the lethargy, stupidity or timidity of the allies of Britain. He never fails to emphasize the true function of war, "a department of statecraft", and quotes General Maude, Creasy, Moltke and Clausewitz to show the necessity of vigorous military measures and coalitions. Most interesting of all perhaps is his quarrel with the modern historians who insist that France of the eighteenth century was decaying and weak, and assume that before the Revolution all the rulers of Europe were knaves and all the peoples fools.

Henry Adams in his summary of the political literature of Massachusetts in Jefferson's day found little or nothing to speak for the Republican opinion. He would have welcomed with the keenest zest the industrious farmer William Manning's *Key of Libberty* (Billerica, Mass., The Manning Association, 1922, xv, 71 pp.), written in 1797 but now printed for the first time. The author sees in political society a continuous contest between the few and the many, in which the former win through superior organization. The Revolutionary officers, ministers, lawyers, doctors, etc., all more or less exclusive bodies with severe admission standards, propagate

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their legend through the press, which is too costly to be of service to the ordinary people. Thus his "reamidy" is to form the many into a great organization with a peculiar kind of a newspaper which would tell only the truth and confute the conspirators. He is, as Dr. S. E. Morison observes in his suggestive introduction, a forerunner of the Non-Partisan League. He has left a tract setting forth the democratic mind in New England which every student of American history and political theory will read with closest interest. The most casual reader will find entertainment in its racy style and its delightfully grotesque orthography.

The Ides of March are harried days for those who have not yet completed their income-tax returns, and aid of any kind is eagerly welcomed. Among such aids the annual volumes of Mr. Robert H. Montgomery have taken a leading place, and his *Income Tax Procedure, 1923* (New York, The Ronald Press Company, 1923; xxix, 1750 pp.) follows its predecessors in general plan and scope and brings down to date the rulings of administrative officers and the decisions of the courts. Mr. Montgomery puts into the forefront the practical problems of the taxpayer and shows how to deal with them in the light of accounting practice and governmental requirements. He does not hesitate to take issue with departmental rulings and to give to the would-be contestant the ordnance and ammunition which will serve his cause. The book should be as valuable to hard-pressed officials as to hard-pressed taxpayers. It is a model of the kind of work of which we need many more—the work that looks first at practical problems and then deals with them in the light of everything that bears upon them, instead of being content to catalogue and arrange settled data on some basis of conceptual harmony.

Inasmuch as many tax controversies of past years are still unsettled and as many persons still have occasion to consult the various federal acts, it is convenient to have the provisions from 1909 to 1921 arranged in parallel columns as is done in the compilation of *Federal Income Tax Laws* (Washington, John Byrne and Company, 1922; xix, 450 pp.) by Walter F. Barton and Carroll W. Browning. In the footnotes are references to judicial interpretations of the various sections. Similar annotations are appended to Parts II and III which present respectively the federal income-tax statutes prior to 1909 and some miscellaneous taxing acts of recent times.

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